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IN THE MATTER OF THE CLAIM OF

THOMAS M. MOROUGHAN

-against-

THE COUNTY OF NASSAU, POLICE OFFICERS

ANTHONY D. DILEONARDO Shd #3632, and

Nassau Police JOHN DOES 1-10, THE COUNTY

OF SUFFOLK, DETECTIVE CHARLES E. LESSER

II, PO WILLIAM J. LAMB and Suffolk Police

JOHN DOES 1-10

-----x

August 29, 2011

12:44 p.m.

50-H Hearing of THOMAS M. MOROUGHAN,
held at the offices of the Nassau County
Attorney, 1 West Street, Mineola, New
York, before Renate Reid, Registered
Professional Reporter and Notary Public of
the State of New York.

Page 2

1
2 APPEARANCES:
3
4 LAW OFFICES OF GRANDINETTE & SERIO
5 Attorneys for Claimant
6 114 Old Country Road
7 Mineola, New York 11501
8 BY: ANTHONY GRANDINETTE, Esq.
9
10
11 NASSAU COUNTY ATTORNEY'S OFFICE
12 Attorneys for Respondents
13 1 West Street
14 Mineola, New York 11501
15 BY: MICHAEL FERGUSON, Esq.
16
17
18
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25

Page 3

1 Thomas M. Moroughan
2 THOMAS M. MOROUGHAN, called
3 as a witness, having been first duly sworn
4 by the Notary Public, was examined and
5 testified as follows:
6 EXAMINATION
7 BY MR. FERGUSON:
8 Q. Good afternoon, sir.
9 Could you pronounce your last name?
10 A. Moroughan.
11 Q. Good afternoon, Mr. Moroughan. My
12 name is Michael Ferguson. I'm an attorney
13 here with the County of Nassau. I'm going
14 to be asking you a series of questions
15 here this afternoon, which the reporter
16 will be taking down.
17 And if at any time you don't
18 understand the question or you can't hear
19 me, just let me know; I'll repeat it,
20 rephrase it, whatever is necessary.
21 If you want to take a recess at any
22 time, just let us know, okay?
23 A. Okay.
24 Q. Mr. Moroughan, what is your date
25 of birth, sir?

Page 4

1 Thomas M. Moroughan
2 A. It's [REDACTED]
3 Q. Where were you born?
4 A. Stony Brook, New York.
5 Q. And your name is Thomas M.
6 Moroughan?
7 A. Yes.
8 Q. The "M" stands for?
9 A. Michael.
10 Q. Are you named after anyone?
11 A. My uncle.
12 Q. Have you ever used another name at
13 any time, other than Thomas M. Moroughan?
14 A. No.
15 Q. Have you ever used a different
16 date of birth, other than [REDACTED]
17 A. No.
18 Q. Where do you live at the present
19 time?
20 A. [REDACTED]
21 [REDACTED]
22 Q. Is that a private house or
23 apartment?
24 A. Private house.
25 Q. Do you own that house?

Page 5

1 Thomas M. Moroughan
2 A. No.
3 Q. How long have you lived there?
4 A. On and off, one-and-a-half years.
5 Q. Who do you live there with?
6 A. My girlfriend and her relatives.
7 Q. And her relatives?
8 A. Yes.
9 Q. How many relatives?
10 A. Her aunt, her grandfather, and her
11 little cousin.
12 Q. What is your girlfriend's name?
13 A. Kristie, K-R-I-S-T-I-E; Mondo,
14 M-O-N-D-O.
15 Q. How long has she been your
16 girlfriend?
17 A. On and off, four-and-a-half years.
18 Q. On and off, four-and-a-half years?
19 A. Yes.
20 Q. So it hasn't been a steady
21 relationship for four-and-a-half years?
22 A. No. We have been dating again
23 since January 1st.
24 Q. Off?
25 A. This year.

2 (Pages 2 - 5)

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<p>Page 6</p> <p>1 Thomas M. Moroughan 2 Q. 2011? 3 A. Yes. 4 Q. Have you ever been married? 5 A. No. 6 Q. Do you have any children? 7 A. Yes. 8 Q. How many children? 9 A. Two. 10 Q. What are their names? 11 A. [REDACTED] 12 [REDACTED] 13 Q. And the other child? 14 A. [REDACTED] 15 [REDACTED] 16 Q. And where does your -- [REDACTED] is 17 [REDACTED] (phonetic) [REDACTED] 18 A. [REDACTED] 19 Q. [REDACTED] 20 Where does [REDACTED] live? 21 A. [REDACTED] 22 Q. How old is [REDACTED] 23 A. [REDACTED] 24 Q. And the other child's name is 25 what?</p>	<p>Page 8</p> <p>1 Thomas M. Moroughan 2 A. Yes. 3 Q. What does she do? 4 A. She's a groomer. 5 Q. Is that an animal groomer? 6 A. Yes; dog groomer. 7 Q. Were you ever in the military? 8 A. No. 9 Q. What is your highest level of 10 education? 11 A. College. 12 Q. What college? 13 A. SUNY Farmingdale. 14 Q. How long were you at SUNY? 15 A. One year. 16 Q. Was that two semesters, or less? 17 A. Two semesters. 18 Q. Did you earn any credits? 19 A. A few. 20 Q. How many credits did you earn? 21 A. I want to say nine. 22 Q. When did you go to SUNY 23 Farmingdale? 24 A. 2002; September 2002 to May of 25 2003.</p>
<p>Page 7</p> <p>1 Thomas M. Moroughan 2 A. [REDACTED] 3 Q. Where does [REDACTED] live? 4 A. [REDACTED] ves in [REDACTED] 5 Q. How old is [REDACTED]? 6 A. [REDACTED] 7 Q. [REDACTED] years? 8 A. Yes. 9 Q. Do they live in the same place in 10 Florida, or two different places? 11 A. Two different places. 12 Q. Who else lives in the home with 13 you besides Kristie Mondo? 14 A. Her grandfather, Nicholas. 15 Q. Who else? 16 A. Aunt, Ann Marie; and her cousin, 17 Nicholas. 18 Q. What is Ann Marie's last name? 19 A. Mondo. 20 Q. Is she employed? 21 A. Yes. 22 Q. What does she do? 23 A. She's a bus driver. 24 Q. What about Kristie? Is she 25 employed?</p>	<p>Page 9</p> <p>1 Thomas M. Moroughan 2 Q. At that time, where were you 3 living? 4 A. SUNY Farmingdale, in the dorms. 5 Q. At SUNY Farmingdale? 6 A. At SUNY Farmingdale. 7 Q. What high school did you attend? 8 A. CCA, NET BOCES. 9 Q. "CCA" means what? 10 A. Center for Community Adjustment, I 11 believe. It was a BOCES. I was in a 12 group home, and -- through foster care; 13 and they mandated all of us to go to a 14 BOCES program. We weren't allowed to go 15 to a public school. 16 Q. When did you complete the BOCES 17 program? What year? 18 A. 2002. 19 Q. You say you were in foster care? 20 A. Yes. 21 Q. When were you placed in foster 22 care? 23 A. Three weeks prior to my 13th 24 birthday. It was [REDACTED]. 25 Q. Is your mother alive?</p>

3 (Pages 6 - 9)

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<p style="text-align: right;">Page 10</p> <p>1 Thomas M. Moroughan 2 A. Yes. 3 Q. And your father? 4 A. I don't know who he is. 5 Q. Where does your mother live? 6 A. My mother live in Coram. 7 Q. Were you living with your mother 8 before you were put in foster care? 9 A. Yes. 10 Q. When you finished -- stopped 11 attending Farmingdale in May of 2003, what 12 did you do after that? 13 A. I was living in Patchogue with a 14 foster parent through a company called -- 15 agency called You Got to Believe. 16 Q. So you were living -- after 17 college, you were living back in foster 18 care? 19 A. Yes. 20 Q. How long was that, in Patchogue? 21 A. A year. 22 Q. What did you do after that? 23 A. I moved to Florida with my 24 then-fiance, my daughter's mother, Jessica 25 Cushing.</p>	<p style="text-align: right;">Page 12</p> <p>1 Thomas M. Moroughan 2 Q. Did there come a time when you 3 lived in Babylon? 4 A. Yes. 5 Q. When was that? 6 A. That was in '06. 7 Q. Who were you living there with? 8 A. I lived at the Babylon train 9 station. 10 Q. At the train station? 11 A. Yes. 12 Q. Meaning where? 13 A. I was homeless. 14 Q. Homeless. 15 Living in Babylon, homeless? 16 A. Yes. 17 Q. Were you working? 18 A. No. 19 Q. How long were you homeless, living 20 in Babylon? 21 A. About five, six months. 22 Q. What did you do after that? 23 A. I met my girlfriend, Kristie 24 Mondo. 25 Q. Then you met Kristie?</p>
<p style="text-align: right;">Page 11</p> <p>1 Thomas M. Moroughan 2 Q. How long were you in Florida? 3 A. A few months. We came back up to 4 New York. We were living with her 5 grandmother in Patchogue; moved back to 6 Florida, stayed there for a few months, 7 moved back to New York again. 8 Q. And living where? 9 A. Back at her mother's house. 10 Q. In Patchogue? 11 A. In Patchogue. 12 Q. What did you do after that? 13 A. We broke up. I moved upstate for 14 a few weeks with my sister and my 15 brother-in-law. They moved back down to 16 New Island. I moved with them to Yaphank. 17 Q. In 2004 and 2005, were you 18 employed? 19 A. Randomly. 20 Q. Doing what? 21 A. I was a waiter for a little while. 22 I worked at a fast-food restaurant for a 23 little while. 24 Q. Anything else? 25 A. Nothing that I can think of.</p>	<p style="text-align: right;">Page 13</p> <p>1 Thomas M. Moroughan 2 A. Yes. 3 Q. Then what did you do? 4 A. She took me in. 5 Q. Into? 6 A. Her family's house in Huntington. 7 Q. [REDACTED] 8 A. Yes. 9 Q. Where did you go after that? 10 A. I lived there for quite some time. 11 Then I moved to Tennessee. 12 Q. Why did you move to Tennessee? 13 A. My sister and my brother-in-law 14 were living down there. I got tired of 15 working seven days a week to just barely 16 make it, and I thought there was more 17 opportunity, because the living was 18 cheaper. 19 Q. What were you doing for seven days 20 a week and barely making it? 21 A. I was driving a cab. 22 Q. In -- 23 A. In Huntington. 24 Q. So you went down to Tennessee? 25 A. I went down to Tennessee.</p>

4 (Pages 10 - 13)

Page 14

1 Thomas M. Moroughan
2 Q. How long were you in Tennessee?
3 A. Eight months.
4 Q. Then where did you go?
5 A. I moved back up to New York.
6 Q. To where you're living now?
7 A. Huntington, yes.
8 Q. So when did you move into [REDACTED]
9 [REDACTED] I mean, after Tennessee,
10 after the eight months in Tennessee, when
11 did you come back to [REDACTED]
12 approximately?
13 A. Octoberish '09.
14 Q. Around October of '9?
15 And have you been at [REDACTED]
16 [REDACTED] since October of '09 to the
17 present?
18 A. No.
19 Q. Where have you been, other than --
20 A. I moved into a apartment for a
21 short time, in Huntington. The address
22 was [REDACTED]
23 Q. Then you went back to --
24 A. Then I went back to [REDACTED]
25 Q. [REDACTED]?

Page 15

1 Thomas M. Moroughan
2 A. Yes.
3 Q. And when you were living in the
4 apartment, that was by yourself?
5 A. Yes.
6 Q. Since you've been back to -- say,
7 around October of '09, to [REDACTED]
8 Street, have you been employed?
9 A. Yes.
10 Q. Doing what?
11 A. Driving a taxi.
12 Q. When did you start driving a taxi
13 after you came back from Tennessee?
14 A. Immediately.
15 Q. So October 2009, you were driving
16 a cab?
17 A. Yes.
18 Q. And I take it you have a driver's
19 license?
20 A. Yes.
21 Q. Is that a New York State driver's
22 license?
23 A. Yes.
24 Q. Do you need a special type of
25 license to drive a cab?

Page 16

1 Thomas M. Moroughan
2 A. Yes. I have an E class. It's a
3 chauffeur's license.
4 Q. So you have a chauffeur's license?
5 A. Yes.
6 Q. Issued by New York State?
7 A. New York State. And I also have a
8 town permit issued by the Town of
9 Huntington.
10 Q. To drive a cab?
11 A. To drive a taxi in the town of
12 Huntington.
13 Q. Has your license ever been
14 suspended?
15 A. Yes.
16 Q. When was it suspended?
17 A. A few years ago.
18 Q. Has it ever been revoked?
19 A. No. It was when I didn't make it
20 to a court date.
21 Q. For a fine?
22 A. Yes, for a traffic ticket. And
23 the next day I went and had it taken care
24 of.
25 Q. Do you have any siblings?

Page 17

1 Thomas M. Moroughan
2 A. Yes.
3 Q. How many siblings do you have?
4 A. I have two.
5 Q. And what are their names?
6 A. Jennifer Moroughan.
7 Q. Jennifer Moroughan.
8 A. Christopher Moroughan.
9 Q. Christopher.
10 And where does Jennifer live?
11 A. She lives in Tennessee.
12 Q. And Christopher?
13 A. Unknown.
14 Q. Unknown.
15 You haven't had any contact with
16 Christopher?
17 A. No. When I got put in foster
18 care, we all got taken away, and he was
19 young enough where he got adopted.
20 Q. He got adopted.
21 So you don't know where he is?
22 A. No.
23 Q. So when you got put into foster
24 care, there were three children?
25 A. Yes.

5 (Pages 14 - 17)

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<p style="text-align: right;">Page 18</p> <p>1 Thomas M. Moroughan 2 Q. And they were separated? 3 A. Yes. 4 Q. I don't remember if I ever asked 5 you this or not, if you were ever married? 6 A. Yes, you did. 7 Q. Who were you married to? 8 A. I wasn't. 9 Q. You weren't? 10 A. No. 11 Q. Have you ever been on public 12 assistance? 13 A. Yes. 14 Q. When? 15 A. A few years ago, I want to say; 16 '06. 17 Q. Around '06? 18 A. Around '06. 19 Q. In what state? 20 A. In New York. 21 Q. For how long? 22 A. Probably a month or two. 23 Q. Was that when you were homeless, 24 living in Babylon? 25 A. Yes. I mean, I went from -- I</p>	<p style="text-align: right;">Page 20</p> <p>1 Thomas M. Moroughan 2 lawsuits? 3 A. Yes. 4 Q. What lawsuits? 5 A. In 1995, I was struck by two cars, 6 riding a bicycle. 7 Q. And there was a suit brought over 8 that? 9 A. Yes, there was a suit. 10 Q. Did it go to court? 11 A. Yes. 12 Q. Was there a trial? 13 A. No. 14 Q. Was there a settlement? 15 A. Yes. 16 Q. You told me that you were hit by a 17 car in 1995 and there was a lawsuit and it 18 was settled. 19 And what injuries did you receive in 20 that accident? 21 A. I had a fractured right femur and 22 several lacerations to my head. 23 Q. Did you have a concussion? 24 A. No. 25 Q. Did you have any loss of memory?</p>
<p style="text-align: right;">Page 19</p> <p>1 Thomas M. Moroughan 2 went to a few shelters on nasty nights and 3 stuff, but that's it. I got some food 4 stamps. I'm currently on Medicaid right 5 now. 6 Q. When did you get on Medicaid? 7 A. Luckily, it was like 8 February 15th, somewhere around there. 9 Q. February of this year? 10 A. Of this year. 11 Q. So you have been on Medicaid since 12 February of 2011? 13 A. Yes. 14 Q. Were you on Medicaid before 2011? 15 A. Yes, back when I was on public 16 assistance in the past, which was like 17 '06, '07, '06. 18 Q. That's when you had Medicaid and 19 you were on public assistance -- 20 A. Yes. 21 Q. -- in '06, '07? 22 A. And I had Medicaid when I was 23 under 18 because of being in group homes. 24 The state automatically gave it to us. 25 Q. Have you ever been involved in any</p>	<p style="text-align: right;">Page 21</p> <p>1 Thomas M. Moroughan 2 A. No. 3 Q. And the femur; did they put a rod 4 in your femur? 5 A. No. They put me in traction. 6 Q. Are you currently taking any 7 medication? 8 A. [REDACTED] 9 Q. [REDACTED] 10 A. [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 Q. [REDACTED] 14 A. [REDACTED] 15 Q. [REDACTED] 16 [REDACTED] 17 A. March of this year. 18 Q. Of 2011? 19 A. Yes. 20 Q. [REDACTED] other than taking medication for 21 [REDACTED] are you taking any other 22 [REDACTED] 23 A. No. 24 Q. When was the last time you took 25 prescription medication, [REDACTED]</p>

6 (Pages 18 - 21)

Page 22

1 Thomas M. Moroughan
2 [REDACTED]
3 A. The end of June.
4 Q. June of 2011?
5 A. 2011.
6 Q. What medication were you taking
7 then?
8 A. [REDACTED]
9 Q. [REDACTED]
10 [REDACTED]
11 A. Yes.
12 Q. In the end of June?
13 A. Yes.
14 Q. [REDACTED]
15 [REDACTED]?
16 A. Yes.
17 Q. [REDACTED]
18 A. It was Dr. -- can I look at my
19 phone? I know I have his number.
20 Q. Whatever.
21 A. [REDACTED]
22 Q. Is [REDACTED] associated with some
23 type of practice or hospital?
24 A. He has his own private office.
25 It's located -- I forgot the exact

Page 23

1 Thomas M. Moroughan
2 address. I know it's at the corner of
3 [REDACTED] in
4 Huntington.
5 Q. Did someone refer you to
6 [REDACTED]
7 A. Yes.
8 Q. Who?
9 A. My primary doctor, [REDACTED]
10 Q. And [REDACTED] is the one you see
11 for [REDACTED]
12 A. Yes.
13 Q. And [REDACTED] referred you to
14 [REDACTED] for what reason?
15 A. [REDACTED] is a vascular surgeon.
16 He was the one who took the bullet out of
17 my chest.
18 Q. And he is a surgeon?
19 A. Yes.
20 Q. And when [REDACTED]
21 it's prescribed for a number of days; and
22 then also, there's usually an indication
23 whether it can be filled or not, right?
24 A. Yes.
25 Q. Was it -- [REDACTED] prescription that

Page 24

1 Thomas M. Moroughan
2 [REDACTED]
3 [REDACTED]
4 A. [REDACTED]
5 Q. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 A. No.
9 Q. [REDACTED]
10 A. Yes.
11 Q. [REDACTED]
12 A. No.
13 Q. How long did you take it?
14 A. [REDACTED]
15 [REDACTED] before I went to sleep, probably for the
16 seven days. But one before I went to
17 sleep.
18 [REDACTED] They gave it to me for four times
19 daily, or every six hours, as needed. I
20 didn't take it that often, because I drive
21 a lot, but I did take it for the full
22 seven days -- or five days -- seven days.
23 [REDACTED]
24 Q. Seven days, four times a day, is
25 [REDACTED]

Page 25

1 Thomas M. Moroughan
2 A. Yes.
3 Q. [REDACTED]
4 A. Yes.
5 Q. [REDACTED]
6 A. [REDACTED]
7 Q. And what happened to the rest?
8 A. Probably in my medicine cabinet.
9 Q. Was that the last time you took
10 prescription medication?
11 A. Yes.
12 Q. In June?
13 A. Yes.
14 Q. [REDACTED]
15 A. Well, besides my [REDACTED] yes.
16 Q. Yeah. Besides the --
17 A. [REDACTED]
18 Q. [REDACTED]?
19 A. Yes.
20 Q. So he gave you some [REDACTED]
21 [REDACTED] Do you remember what type of
22 [REDACTED] he gave you?
23 A. No.
24 Q. Ever since you were in -- you were
25 in Huntington Hospital in February?

7 (Pages 22 - 25)

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Page 26

1 Thomas M. Moroughan
2 A. Yes.
3 Q. Have you -- since that time, have
4 you gone to any type of rehabilitation
5 facility?
6 A. No.
7 Q. Have you gone to any
8 physical-therapy facility?
9 A. No.
10 Q. Have you been hospitalized since
11 you were in Huntington Hospital in
12 February 2011?
13 A. Hospitalized, meaning --
14 Q. Were you in the hospital
15 overnight?
16 A. Overnight, no.
17 Q. So that you weren't in a hospital
18 overnight since February of 2011?
19 A. No.
20 Q. Have you been treated in an
21 emergency room since February 2011?
22 A. Yes.
23 Q. And where was that?
24 A. Huntington.
25 Q. Was that for the removal of the

Page 27

1 Thomas M. Moroughan
2 bullet?
3 A. No.
4 Q. What was that for?
5 A. [REDACTED]
6 Q. What type of [REDACTED]
7 A. They think I got bit by something
8 and I scratched it and it caused an
9 [REDACTED]
10 [REDACTED]
11 Q. The [REDACTED] that you have, do you
12 take [REDACTED] for that?
13 A. No. I have what they call
14 [REDACTED] so if I'm sick for --
15 like, with a [REDACTED] something, it
16 gives me more of an effective [REDACTED] than
17 a normal person who has [REDACTED] I
18 have [REDACTED]
19 Q. How long have you had [REDACTED]?
20 A. 2001, I got diagnosed with it.
21 Q. So you don't take any [REDACTED] or
22 anything for the [REDACTED]
23 A. No. I have one, but --
24 Q. You don't use it?
25 A. I don't really use it.

Page 28

1 Thomas M. Moroughan
2 Q. You don't take [REDACTED] or
3 anything like that?
4 A. No.
5 Q. Do you smoke?
6 A. Yes.
7 Q. How much do you smoke?
8 A. About a pack a day.
9 Q. How long have you been smoking?
10 A. Since '02, off and on. I'll smoke
11 for six months, I'll stop, I'll smoke for
12 six months, I'll stop.
13 Q. But not before 2002?
14 A. No.
15 Q. You would have been --
16 A. I had a few cigarettes when I was
17 a teenager, just trying them out, but --
18 Q. '02, you would have been 18; is
19 that it?
20 A. Yes.
21 Q. So you have been smoking since the
22 age of 18?
23 A. Seventeen, eighteen. I was still
24 in high school, so it was definitely
25 before my 18th birthday when I first

Page 29

1 Thomas M. Moroughan
2 started.
3 Q. Do you drink alcohol?
4 A. Occasionally.
5 Q. And when you drink alcohol, do you
6 drink beer? wine? liquor? What?
7 A. I mean, depending. If I'm having
8 dinner with my girlfriend or something, it
9 might be a glass of wine. If I'm hanging
10 out with my friends at a bar, it might be
11 liquor. If I'm hanging out at Friday's,
12 watching a football game, it could be
13 beer.
14 Q. Do you have any licenses other
15 than the motor vehicle license?
16 A. No.
17 Q. Are you a member of any unions?
18 A. No.
19 Q. What is your height?
20 A. Five foot eight and a half.
21 Q. Your weight, normally?
22 A. About 200.
23 Q. 200 pounds?
24 Does that fluctuate or generally --
25 A. I usually go between 195 and 210.

8 (Pages 26 - 29)

Page 30

1 Thomas M. Moroughan
2 Q. Do you play any sports?
3 A. No.
4 Q. Other than the [REDACTED] and the
5 [REDACTED] do you have any other medical
6 conditions?
7 A. Not that I'm aware of.
8 Q. And the last doctor you saw was
9 who?
10 A. It was [REDACTED]
11 Q. For the --
12 A. For my primary.
13 Q. For your primary.
14 A. For my [REDACTED]
15 Q. And do you presently have any
16 future appointments?
17 A. Not as of yet.
18 Q. Have you ever had surgery? Other
19 than when you had the bullet removed and
20 the fractured femur, have you ever had any
21 surgery?
22 A. I had another one in June as well.
23 I had two in June. [REDACTED] took the
24 one out my chest. Dr. --
25 Q. I don't need the name.

Page 31

1 Thomas M. Moroughan
2 A. Oh, you don't need the name?
3 Q. No.
4 A. There was another doctor who took
5 the bullet out of my left forearm,
6 Q. Forearm?
7 A. Yes.
8 Q. Did you fracture any bones in your
9 forearm?
10 A. No.
11 Q. The bullet in your chest, did that
12 strike any vital organs?
13 A. No.
14 Q. Was that removed under anesthesia?
15 A. Yes.
16 Q. Was it general anesthesia?
17 A. Yes.
18 Q. And how about the bullet in your
19 arm? Was that removed under anesthesia?
20 A. Yes.
21 Q. Was that general anesthesia?
22 A. Yes.
23 Q. Are you right-hand-dominant or
24 left-hand dominant?
25 A. Right-hand.

Page 32

1 Thomas M. Moroughan
2 Q. And the bullet was in your left
3 forearm?
4 A. Yes.
5 Q. Did you obtain the bullet?
6 A. No.
7 Q. Do you know what happened to it?
8 A. The one that was taken out of my
9 forearm -- the Long Island Surgery Center
10 in Mineola said that bullets were police
11 property and that they were sent to the
12 police department, to their labs.
13 Q. And was that the same for the
14 chest?
15 A. The chest was sent to a company --
16 a lab company. I have the paperwork in my
17 car. I never went and retained it. I
18 don't want it.
19 Q. So it was sent to a lab company?
20 A. Yes.
21 Q. It wasn't given to the police?
22 A. No.
23 Q. Did you get a report of the bullet
24 that was removed from your chest?
25 A. No.

Page 33

1 Thomas M. Moroughan
2 Q. No report?
3 A. No report.
4 Q. Did you get any report for the
5 procedure that was done on your arm to
6 remove a bullet?
7 A. I believe I have something at home
8 stating that I was having it removed, but
9 that's about it.
10 Q. Do you own any type of vehicle?
11 A. No.
12 Q. Do you own any property?
13 A. No.
14 Q. Are you presently employed?
15 A. Yes.
16 Q. What is your occupation?
17 A. Taxi driver.
18 Q. And do you work independently or
19 for someone else?
20 A. I work for a company.
21 Q. What company?
22 A. Orange and White Taxi Company.
23 Q. Where are they located?
24 A. Huntington Station.
25 Q. How long have you been working for

<p style="text-align: right;">Page 34</p> <p>1 Thomas M. Moroughan 2 them? 3 A. Been back with them since June. 4 Q. 2011? 5 A. 2011. 6 Q. Did you work between March and 7 June 2011? 8 A. I worked for a few weeks. 9 Q. When did you work? 10 A. I would say probably March. 11 Q. Of 2011? 12 A. Of 2011. 13 Q. Who did you work for in 14 March 2011? 15 A. Dobro Express, D-O-B-R-O, Express, 16 LLC, which is a taxi company in Huntington 17 as well. 18 Q. And you worked for them in 19 March 2011? 20 A. Yes. I worked for them from 21 January 21st until the end of March. 22 Q. So was -- it was Dobro, you say? 23 A. Yes. 24 Q. So the first time you worked for 25 them was January 21?</p>	<p style="text-align: right;">Page 36</p> <p>1 Thomas M. Moroughan 2 working for now. 3 Q. What did you do in 2010? 4 A. Drove a taxi. 5 Q. For who? 6 A. Orange and White. 7 Q. When is it that you started with 8 Orange and White for the first time? 9 A. The very first time? 10 Q. Yes. 11 A. '07; maybe the end of '06. No. 12 Definitely the end of '07. 13 Q. And the Orange and White Taxi 14 Company is located where? 15 A. Huntington train station. 16 Q. And so, if I'm not mistaken, you 17 say you started with them in the end of 18 2007? 19 A. Yes. 20 Q. But you were living in Tennessee 21 in 2009, right? 22 A. Yes. I left. Your question was 23 when I first started at Orange and White; 24 and the first day I ever worked at Orange 25 and White was the end of '07.</p>
<p style="text-align: right;">Page 35</p> <p>1 Thomas M. Moroughan 2 A. Yes. 3 Q. And then the last was the end of 4 March? 5 A. Yes. 6 Q. What did you do in April and May? 7 A. I relaxed. 8 Q. And in April and May, were you 9 collecting unemployment? 10 A. No. 11 Q. So you were not working? 12 A. Not working. 13 Q. No income? 14 A. No. 15 Q. Did you have any income in April 16 and May? 17 A. No. My girlfriend. 18 Q. I think -- let's see. You were 19 telling me that you were with Dobro 20 Express January 21. 21 When had you last worked before 22 that? 23 A. A few days prior. 24 Q. And who were you working for then? 25 A. Orange and White. The company I'm</p>	<p style="text-align: right;">Page 37</p> <p>1 Thomas M. Moroughan 2 Q. And how long did you work with 3 Orange and White when you first started in 4 the end of 2007? 5 A. Until I left for Tennessee. 6 Q. Which was when? 7 A. Probably February of '09; February 8 of '09, maybe. 9 Q. So, then, the Orange and White was 10 from the end of 2007, and it was steady 11 work until February 2009? 12 A. Yes. 13 Q. And then you went to Tennessee? 14 A. Yes. 15 Q. And did you work in Tennessee? 16 A. Yes. 17 Q. What did you do in Tennessee? 18 A. I was working in a store. 19 Q. I'm sorry? 20 A. I was working in a store; a store 21 clerk. 22 Q. And you were living with your 23 sister? 24 A. I was living with my sister's 25 boyfriend, fiancé; I call him my</p>

10 (Pages 34 - 37)

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1 Thomas M. Moroughan
2 brother-in-law.
3 Q. Is your sister married?
4 A. No. I call him my brother-in-law.
5 Q. Okay. But he's not your
6 brother-in-law?
7 A. He's not really my brother-in-law.
8 They've been together for years and years,
9 though, so I just automatically -- it's
10 easier then saying my sister's fiance.
11 Q. What is your sister's boyfriend
12 that you refer to as brother-in-law --
13 what's his name?
14 A. Anthony.
15 Q. Anthony what?
16 A. Osias, O-S-I-A-S.
17 Q. So when you were in Tennessee, you
18 were living with Anthony Osias?
19 A. Yes.
20 Q. And you were working as a store
21 clerk?
22 A. Yes. He owned a bait and tackle
23 shop.
24 Q. And then you must have left
25 Tennessee -- you said you were

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1 Thomas M. Moroughan
2 eight months in Tennessee --
3 A. Yes.
4 Q. -- and then you were back, in
5 October '09, to [REDACTED]
6 A. Yes.
7 Q. So picking up from October '09,
8 where did you work?
9 A. I worked for another cab company
10 in Huntington called Idlewild. That was
11 for about a month, and then I went back to
12 Orange and White.
13 Q. When did you return to Orange and
14 White?
15 A. November of '09.
16 Q. So then you went back to Orange
17 and White at November '09, and you stayed
18 with them until when?
19 A. February of 2011.
20 Q. No.
21 January 21, 2011, wasn't it?
22 A. February.
23 Q. I thought you said --
24 A. February 21.
25 Q. -- you went to Dobro Express --

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1 Thomas M. Moroughan
2 A. February 21.
3 Q. Oh, I thought, earlier, you said
4 it was January 21.
5 So you're with Orange and White
6 until February 21, 2001; is that right?
7 A. A few days prior to that --
8 MR. GRANDINETTE: 2011.
9 Q. 2011.
10 A. I left a few days prior to that,
11 so it was probably about the 17th, 18th.
12 Q. So, then, after Orange and
13 White --
14 A. -- I went to Dobro.
15 Q. And then you went to Dobro on
16 2/21/2011, and you stayed with them until
17 the end of March?
18 A. Yes.
19 Q. And then, in April and May, you
20 were not working?
21 A. No.
22 Q. I think I got it.
23 Then, when you started working again
24 in -- when was that, in 2011?
25 A. June.

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1 Thomas M. Moroughan
2 Q. And that was with Orange and
3 White?
4 A. Yes.
5 Q. And that's as a cab driver?
6 A. Yes.
7 Q. How many days a week do you work?
8 A. Usually, two.
9 Q. Two days?
10 A. Yes.
11 Q. And how many hours a day?
12 A. Twelve.
13 Q. And what do you do with the other
14 five days?
15 A. Nothing.
16 Q. And when you're working with
17 Orange and White as of June 2011, two days
18 for 12 hours a day, how are you paid?
19 What is your --
20 A. Well, prior to February 27th -- to
21 the incident that occurred on
22 February 27th, I was working five or six
23 days weekly. After that incident, I kind
24 of don't feel too comfortable, so I only
25 drive on Friday and Saturday nights, when

11 (Pages 38 - 41)

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<p style="text-align: right;">Page 42</p> <p>1 Thomas M. Moroughan</p> <p>2 those are the busy nights.</p> <p>3 Q. So as of June 2011, you're working</p> <p>4 Friday and Saturday night?</p> <p>5 A. Yes. Occasionally, I'll do an</p> <p>6 extra shift, but not regularly.</p> <p>7 Q. Okay. But on Sunday, Monday,</p> <p>8 Tuesday, Wednesday, and Thursday, what do</p> <p>9 you do?</p> <p>10 A. Stay home.</p> <p>11 Q. Now, the -- when you went to --</p> <p>12 was it -- when did you start with Dobro</p> <p>13 Express?</p> <p>14 A. The 21st of February of this year,</p> <p>15 2011.</p> <p>16 Q. Okay. So Dobro Express was</p> <p>17 February 21, 2011?</p> <p>18 A. Yes.</p> <p>19 Q. And when you went with them, when</p> <p>20 were you working?</p> <p>21 A. Huh?</p> <p>22 Q. When were you working?</p> <p>23 A. I worked that whole time. I</p> <p>24 worked every day until February 27th.</p> <p>25 Q. So you were working six days?</p>	<p style="text-align: right;">Page 44</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. So you would actually start</p> <p>3 Friday, at 6:00 p.m.?</p> <p>4 A. No. Saturday was the 26th.</p> <p>5 Sunday morning was the 27th.</p> <p>6 Q. So you started at 6:00 p.m. on</p> <p>7 Saturday --</p> <p>8 A. Saturday --</p> <p>9 Q. -- the 26th --</p> <p>10 A. -- the 26th --</p> <p>11 Q. -- of February?</p> <p>12 A. Yes.</p> <p>13 Q. That's when you would start out?</p> <p>14 A. That's when I started off with</p> <p>15 them.</p> <p>16 Q. With this company, you had been</p> <p>17 there for -- through the week, right?</p> <p>18 A. Yes.</p> <p>19 Q. And when you were working there</p> <p>20 during the week, were you driving</p> <p>21 different vehicles during the week?</p> <p>22 A. No.</p> <p>23 Q. No?</p> <p>24 A. No. They were a small company who</p> <p>25 just started off. We only had the one car</p>
<p style="text-align: right;">Page 43</p> <p>1 Thomas M. Moroughan</p> <p>2 A. Yes.</p> <p>3 Q. And when you worked those six</p> <p>4 days, you were working what hours?</p> <p>5 A. 6:00 a.m. to about 8:00 or 9:00 at</p> <p>6 night, p.m.; like 14, 15 hours.</p> <p>7 Q. But you didn't work nights?</p> <p>8 A. No.</p> <p>9 Q. So it would be 6:00 a.m. to</p> <p>10 8:00 p.m. with Dobro Express?</p> <p>11 A. Let me correct that. I started on</p> <p>12 a Sunday. I worked up until Friday day</p> <p>13 shift. Friday night, I worked overnight;</p> <p>14 and Saturday night, I worked overnight,</p> <p>15 because Friday and Saturday nights are the</p> <p>16 busiest shift.</p> <p>17 Q. So what time did you work on</p> <p>18 Friday?</p> <p>19 A. 6:00 p.m.</p> <p>20 Q. To when?</p> <p>21 A. 6:00 a.m.</p> <p>22 Q. And then, on Saturday?</p> <p>23 A. 6:00 p.m. until 1:18 a.m.</p> <p>24 Q. And Saturday -- was that the 27th?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 45</p> <p>1 Thomas M. Moroughan</p> <p>2 at the time.</p> <p>3 Q. They had one car?</p> <p>4 A. One car.</p> <p>5 Q. One driver, then?</p> <p>6 A. One driver per shift, yes.</p> <p>7 Q. Per shift?</p> <p>8 A. Yes.</p> <p>9 Q. Now, the -- let me just -- excuse</p> <p>10 me if I get confused on some of these</p> <p>11 dates here, but let me see if I can't --</p> <p>12 on February 21st, when you started Dobro,</p> <p>13 where was Dobro?</p> <p>14 A. Their office was at [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 Q. [REDACTED]</p> <p>17 A. Yes.</p> <p>18 Q. And who owned that company?</p> <p>19 A. Dennis Dobrochasov,</p> <p>20 D-O-B-R-O-C-H-A-S-O-V.</p> <p>21 Q. And Dennis had one car?</p> <p>22 A. Yes.</p> <p>23 Q. How many drivers?</p> <p>24 A. Two.</p> <p>25 Q. So there was one and another?</p>

12 (Pages 42 - 45)

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1 Thomas M. Moroughan
2 A. Yes.
3 Q. So the whole company was like
4 three people?
5 A. Yes.
6 Q. So Dennis would do the
7 dispatching?
8 A. Dennis and one of his buddies,
9 yeah.
10 Q. So, then, there would be four
11 people?
12 A. Four people, yes.
13 Q. Now, when you would dispatch -- I
14 mean, this would be -- you didn't pick up
15 off the street.
16 It was by a radio run; is that how
17 it worked?
18 A. It was off the train. It was via
19 a walkie-talkie. It was a Verizon
20 push-to-talk, which is like Nextel. And
21 Friday and Saturday nights, sometimes
22 there would be flag-downs in Huntington
23 Village at the bars.
24 Q. So you could just pick up someone
25 who flagged you down?

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1 Thomas M. Moroughan
2 A. Yes. Yes.
3 Q. And when somebody would get in a
4 cab -- that's what it's called, right --
5 A. Yes.
6 Q. -- cab?
7 Did you have a sheet that indicated
8 where you picked a person up and where
9 they're going and the time?
10 A. Yes. It's called a trip sheet.
11 Q. Trip sheet.
12 So there would always be a trip
13 sheet in the cab?
14 A. Yes.
15 Q. And the trip sheet, would that be
16 given to Dennis?
17 A. Yes, at the end of the shift.
18 Q. That would be handed in?
19 A. Yes.
20 Q. And did you always record each
21 pickup?
22 A. Yes.
23 Q. And the time and the location?
24 A. Yes.
25 Q. And was there a meter in this cab,

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1 Thomas M. Moroughan
2 or was it a set fee or what?
3 A. It was a set fee.
4 Q. A set fee.
5 So you got paid by tips and what
6 else?
7 A. It was 50 percent of the
8 commission, 50 percent of the fare, tips;
9 but I had to pay for my own gas.
10 Q. What type of vehicle was this?
11 A. It was a 2010 Toyota Prius.
12 Q. And as far as you know, when was
13 that car purchased?
14 A. No idea.
15 Q. No idea.
16 But you were working February 21 --
17 this is 2010, when you started driving --
18 A. 2011.
19 Q. How many miles were on that car?
20 A. Four, five thousand.
21 Q. So it was a new car?
22 A. Yes.
23 Q. And what kind of condition was it
24 in?
25 A. Very good condition.

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1 Thomas M. Moroughan
2 Q. And was it a four-door or a
3 two-door?
4 A. Four-door.
5 Q. And the color was?
6 A. White. It had green lettering,
7 saying the name of the company.
8 Q. Now, am I right? Is this
9 vehicle -- is this what they call a
10 hybrid?
11 A. Yes, it's a hybrid.
12 Q. And I think you told me earlier
13 that you don't have your own car?
14 A. No.
15 Q. Had you ever driven a hybrid
16 before?
17 A. No. Before that car, no.
18 Q. And so the first time you would
19 have driven the hybrid, then, would have
20 been sometime after 2/21, that week?
21 A. That day, yes. 2/21 is the first
22 day I drove it.
23 Q. That was the first day you
24 drove -- you worked that day?
25 A. Yes.

13 (Pages 46 - 49)

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<p style="text-align: right;">Page 50</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. And I take it, a hybrid --</p> <p>3 operating a hybrid is different than other</p> <p>4 cars that you would have operated before</p> <p>5 that were not hybrids?</p> <p>6 MR. GRANDINETTE: Objection to the</p> <p>7 form, but you can answer it, if you</p> <p>8 know.</p> <p>9 A. It's a car. It's -- pretty much</p> <p>10 drives the same. It doesn't -- it's not</p> <p>11 loud; like, you don't hear it start. It</p> <p>12 has a push button to start.</p> <p>13 When you first accelerate, it's</p> <p>14 still using an electric engine, so there</p> <p>15 is no revving; there's no -- you don't</p> <p>16 hear the car at all. Sometimes I quite</p> <p>17 wasn't able to tell that the car was even</p> <p>18 on, besides having the light that</p> <p>19 indicates it is.</p> <p>20 The shifter was a little different.</p> <p>21 You just moved it over to a side -- you</p> <p>22 know, you slapped it over to this side,</p> <p>23 you know, to -- up top, to the left, and</p> <p>24 that was reversed. If you brought it down</p> <p>25 to the left bottom, that was drive. If</p>	<p style="text-align: right;">Page 52</p> <p>1 Thomas M. Moroughan</p> <p>2 turn it on, you don't put a key in and</p> <p>3 turn it?</p> <p>4 A. No.</p> <p>5 Q. So I could get in that car and</p> <p>6 just push a button and it would go?</p> <p>7 A. No. No.</p> <p>8 Q. So how is it that you can turn on,</p> <p>9 then?</p> <p>10 A. It's a smart key. It has to be in</p> <p>11 your possession for you to unlock the car.</p> <p>12 You just pull the handle. But it has to</p> <p>13 be within -- I think it's three feet of</p> <p>14 the car; and also, for you to push the</p> <p>15 button, it has to be in your possession.</p> <p>16 Q. So the key can be in your</p> <p>17 pocket --</p> <p>18 A. The key can be in my pocket.</p> <p>19 Q. -- and you can start the car?</p> <p>20 A. Yes.</p> <p>21 Q. But if it's not in your pocket,</p> <p>22 you can't start the car?</p> <p>23 A. No.</p> <p>24 Q. I see.</p> <p>25 And then, when you start the car by</p>
<p style="text-align: right;">Page 51</p> <p>1 Thomas M. Moroughan</p> <p>2 you kept it over to the right, it's</p> <p>3 neutral. There's a button for park.</p> <p>4 Q. A button for park?</p> <p>5 A. A button. You press a button and</p> <p>6 it's in park.</p> <p>7 Q. Oh, it's in park.</p> <p>8 It doesn't park itself?</p> <p>9 A. No. If you press a button, then</p> <p>10 you put the car in park.</p> <p>11 Q. And I take it, it probably has</p> <p>12 some sort of an emergency brake --</p> <p>13 A. Yes.</p> <p>14 Q. -- like on other cars?</p> <p>15 A. Like a regular car, yes.</p> <p>16 Q. And it's not a stick shift; it's</p> <p>17 just got, like, a gas pedal and a brake</p> <p>18 pedal?</p> <p>19 A. Yes.</p> <p>20 Q. So there's just two pedals?</p> <p>21 A. Yes.</p> <p>22 Q. And is the gear shift to the right</p> <p>23 of the driver?</p> <p>24 A. Yes.</p> <p>25 Q. And now, when you say -- when you</p>	<p style="text-align: right;">Page 53</p> <p>1 Thomas M. Moroughan</p> <p>2 pushing a button, I think you were saying,</p> <p>3 sometimes you can't even tell that it's</p> <p>4 running, because it's quiet?</p> <p>5 A. There's no sound whatsoever.</p> <p>6 Q. No sound. Okay.</p> <p>7 But you need to know that it's on,</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. How do you know that?</p> <p>11 A. The lights on the dashboard come</p> <p>12 on.</p> <p>13 Q. Now, when you want to go -- how</p> <p>14 many drive -- like, in drive, is there</p> <p>15 several different drive, like, first,</p> <p>16 second, third, like, if you're going up</p> <p>17 the hill or something? Or how many drive</p> <p>18 gears are there?</p> <p>19 A. I believe there was only one, if I</p> <p>20 remember correctly. There was different</p> <p>21 modes. There was buttons that were on the</p> <p>22 side of the shifter. One said "ECO,"</p> <p>23 which kept it fully electric from</p> <p>24 acceleration to 20 miles per hour; it's</p> <p>25 fully electric. There was one that said</p>

14 (Pages 50 - 53)

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1 Thomas M. Moroughan
2 "ECONO" mode, which just kept it electric
3 until you were at 40 miles per hour, then
4 switched to gas engine. Then there was
5 "POWER" mode. Power mode was straight
6 gas, no electric, and it gave you much
7 more horsepower, if you had to get onto
8 the highway or --
9 Q. So you would press these
10 buttons --
11 A. Yes.
12 Q. -- to give it the mode --
13 A. Yes.
14 Q. -- while it's in drive?
15 A. Yes.
16 Q. So there's three buttons?
17 A. Yes.
18 Q. How would you put the car in
19 reverse?
20 A. You would -- there was -- the gear
21 shifter, you would bring it up -- you
22 would bring it over and up, over to the
23 left and then up.
24 Q. Over to the left, meaning towards
25 the driver?

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1 Thomas M. Moroughan
2 A. Yes, towards the driver.
3 Q. And then up towards the front of
4 the car?
5 A. Yes.
6 Q. Towards the windshield?
7 A. Yes.
8 Q. So to go in reverse, you go
9 towards the driver and then towards the
10 windshield?
11 A. Yes, if I remember correctly. It
12 was weird. It was a little, small knob.
13 It was kind of hard to get used to.
14 Q. What is hard to get used to?
15 A. The way the knob worked.
16 Q. The knob, meaning the gear shift?
17 A. Yes.
18 Q. You have to excuse me. I've never
19 driven one of these things. But I did
20 notice that -- well, I'm going to mark
21 this notice of claim and -- because I
22 notice that there's a photograph attached
23 to this notice of claim, which I assume is
24 there for the purposes of being a car.
25 Oh, there's two copies of a notice of

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1 Thomas M. Moroughan
2 claim here. I guess this is the same
3 thing.
4 MR. FERGUSON: So why don't we
5 take a short recess and I'll ask the
6 reporter -- I think these are
7 identical. I think they're just two
8 copies of the same thing.
9 Do you know?
10 MR. GRANDINETTE: I'm not sure.
11 THE WITNESS: We dropped off two,
12 remember? One you signed; the other
13 one I signed.
14 MR. FERGUSON: They look to me to
15 be identical. You can look at them if
16 you want. One of them --
17 So what we're going to do is, we're
18 going to take a short recess.
19 I'm not going to ask you about all
20 of this stuff, just a few things.
21 THE WITNESS: Okay.
22 MR. FERGUSON: And we'll just have
23 this marked. All right?
24 MR. GRANDINETTE: Yes.
25 MR. FERGUSON: I'm trying to see

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1 Thomas M. Moroughan
2 which one looks like it's got an
3 original signature.
4 They're both received May 26th here,
5 and both signed for by the same
6 attorney and punched in at 1:00 p.m.
7 So I guess they just delivered two of
8 these at 1:00 p.m.
9 Is there any one you want marked?
10 MR. GRANDINETTE: No. It doesn't
11 matter.
12 MR. FERGUSON: Why don't you just
13 mark that.
14 Can we take a short recess?
15 THE WITNESS: Sure.
16 MR. GRANDINETTE: Sure.
17 (Recess taken)
18 (Respondent's Exhibit 1, notice of
19 claim, was marked for identification)
20 MR. FERGUSON: Please mark these
21 six photographs.
22 (Respondent's Exhibits 2 through 7,
23 photographs, were marked for
24 identification)
25 Q. Mr. Moroughan -- did I pronounce

<p style="text-align: right;">Page 58</p> <p>1 Thomas M. Moroughan 2 your name right? 3 A. Yes. 4 Q. I'm going to show you a document 5 entitled "Notice of Claim." It's been 6 marked here as Respondent's Exhibit 1 on 7 today's date. 8 And on Page 3, it's got some 9 signatures, and it's got a date stamped as 10 being received in Nassau County on 11 May 26th; it looks like 1:00 p.m. And 12 then annexed to the page with the 13 signatures, there's a bunch of pages with 14 misdemeanor complaint; a deposition, looks 15 like under the name of Anthony DiLeonardo; 16 and looks like some NCIC, N-C-I-C, 17 information; and a photograph -- it looks 18 like a black-and-white photograph of a car 19 and also a felony complaint. I'd like you 20 to take a look at this. 21 Tell me if you've ever seen that 22 exhibit before. 23 A. Yes. 24 Q. You have? 25 Would you look at Page 3 and tell me</p>	<p style="text-align: right;">Page 60</p> <p>1 Thomas M. Moroughan 2 Q. Did you sign it in 3 Mr. Grandinette's office? 4 A. In his office building, yes. 5 Q. Can I see it a second? 6 MR. GRANDINETTE: I just want to 7 see one thing. I just want to make 8 sure -- 9 Q. Now, there is -- attached here 10 there is -- looks like a photocopy of a 11 vehicle; it says "taxi" on top. In the 12 background, it looks like you can see an 13 ambulance, and on the bottom of this page 14 with the photograph, there is a date of 15 March 1, 2001. I don't represent that 16 that's when it was taken. I'm just saying 17 that's the date that's on there. 18 And do you recognize what's shown in 19 that photograph? 20 A. Yes. 21 Q. And what is that? 22 A. That's the 2010 Toyota Prius taxi 23 that I was driving. 24 Q. Was that the taxi you were driving 25 on Sunday morning, February 27, 2011?</p>
<p style="text-align: right;">Page 59</p> <p>1 Thomas M. Moroughan 2 if you see signatures on the bottom of the 3 page? 4 A. Yes. 5 Q. Is that your signature? 6 A. Yes. 7 Q. Did you sign it? 8 A. Yes. 9 Q. What's the date? 10 A. 25th -- 11 Q. 25th of -- 12 A. -- of May. 13 Q. Of what? May? 14 A. May. 15 Q. Did you sign it on May 25th? 16 A. Yes. 17 Q. Did you read it before you signed 18 it, the first three pages? 19 A. Yes. 20 Q. Did you read the first three pages 21 before you signed it? 22 A. Yes. 23 Q. And is it true and accurate, to 24 your knowledge? 25 A. Yes.</p>	<p style="text-align: right;">Page 61</p> <p>1 Thomas M. Moroughan 2 A. Yes. And for the record, the date 3 on the bottom says 3/1/2011. You said 4 2001. 5 Q. I'm sorry. 2011. 6 How many times would you say you 7 drove that car, that exact car, before you 8 went out with it on Saturday evening? 9 MR. GRANDINETTE: I'm going to 10 object, because this is a 50-H 11 hearing. 12 But go ahead and answer the question 13 to the best of your ability. 14 A. Five previous days before I 15 started my shift on Saturday. 16 Q. Did you have any trouble driving 17 it? 18 A. No. 19 Q. Now, you said you had to pay for 20 gas? 21 A. Yes. 22 Q. So how would you put gas in this? 23 A. Go to a gas station. You tell the 24 person, "Fill it up, regular." 25 Q. So it's the same as any other</p>

16 (Pages 58 - 61)

<p style="text-align: right;">Page 62</p> <p>1 Thomas M. Moroughan 2 car -- 3 A. Yes. 4 Q. -- you just put gas in it? 5 A. Just gets better gas mileage. 6 Q. And it takes regular gas? 7 A. Yes. 8 MR. GRANDINETTE: And that's 9 Exhibit what, Michael? 10 MR. FERGUSON: 1. 11 Q. Now, I've asked the reporter to 12 mark some photographs here, which she has 13 done for me, and I just want to check the 14 numbers on the book. And it looks like 15 they go from 2 through 7, six photographs. 16 And I'm going to show you these 17 photographs, probably one at a time, so we 18 don't get -- 19 MR. GRANDINETTE: Can I look at 20 them first? 21 Q. -- so we don't get confused. 22 MR. GRANDINETTE: I'm probably 23 going to object to any questions on 24 these photographs, based upon the fact 25 that it would be outside the scope of</p>	<p style="text-align: right;">Page 64</p> <p>1 Thomas M. Moroughan 2 hearing is going to be aborted and 3 we'll have to go through motion 4 practice and come back and do it all 5 over again. 6 MR. GRANDINETTE: I'm going to ask 7 you about what is the basis of the 8 questions. What do you want to ask 9 him about with respect to these 10 photographs, and how is that going to 11 assist you in understanding the nature 12 of his claim? 13 MR. FERGUSON: I'm not here to 14 answer your questions about how I work 15 as an attorney and why I ask questions 16 and what my motives are in asking 17 questions, and I've never heard of any 18 attorney ask that question, or if they 19 had, answered it. 20 I have -- this is very relevant. I 21 have questions about this. This is 22 the vehicle, as I understand it, to 23 the best of my knowledge, that was 24 involved in this incident. It's very 25 relevant. I have some questions about</p>
<p style="text-align: right;">Page 63</p> <p>1 Thomas M. Moroughan 2 the 50-H hearing. These look like 3 they are photographs taken probably by 4 the police department subsequent to 5 the shooting, and it would be improper 6 at this time to question him on these, 7 unless you want to give me an offer of 8 proof. 9 MR. FERGUSON: Well, first of all, 10 it's not outside the scope of a 50-H 11 hearing. This is a 50-H hearing -- 12 MR. GRANDINETTE: Right. 13 MR. FERGUSON: -- and it's about 14 that very vehicle. 15 MR. GRANDINETTE: Right. 16 MR. FERGUSON: And those are 17 photographs of the vehicle that is 18 involved in this claim -- 19 MR. GRANDINETTE: Right. Sure. 20 MR. FERGUSON: And that's what 21 this claim is. It's a 50-H hearing. 22 MR. GRANDINETTE: Right. Right. 23 MR. FERGUSON: So you've got a 24 couple of options. 25 If you're going to object, then the</p>	<p style="text-align: right;">Page 65</p> <p>1 Thomas M. Moroughan 2 it. 3 You'll get copies of the photographs 4 at a later time, when we can get them 5 duplicated. 6 MR. GRANDINETTE: Well, when? 7 I'll take just regular photocopies of 8 those. 9 But subject to my objection, 10 proceed. 11 But I'll ask for copies of it. 12 MR. FERGUSON: Yeah. No problem. 13 You'll get copies of it. 14 MR. GRANDINETTE: This is outside 15 the scope of the 50-H. 16 Q. So that we don't have a lot of 17 confusion here, Mr. Moroughan, I'll just 18 show them to you one at a time. 19 As far as you know -- let's look at 20 Exhibit 3. 21 Is that the Prius that -- the only 22 car that was owned by Dobro Express in 23 February 2011? 24 MR. GRANDINETTE: Objection to the 25 form, but you can answer it.</p>

17 (Pages 62 - 65)

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<p style="text-align: right;">Page 66</p> <p>1 Thomas M. Moroughan</p> <p>2 A. Yes.</p> <p>3 Q. And would your answer be the same</p> <p>4 as to Exhibit 5 and Exhibit 6?</p> <p>5 A. Correct.</p> <p>6 Q. And as far as you know, these</p> <p>7 three photographs are photographs of the</p> <p>8 same car?</p> <p>9 A. Yes.</p> <p>10 Q. And is that the car that you were</p> <p>11 operating on the night of February 26th,</p> <p>12 2011, going into the morning of</p> <p>13 February 27, 2011?</p> <p>14 A. Yes.</p> <p>15 Q. I think, in perhaps -- at least in</p> <p>16 Exhibit 6, does it appear that you can see</p> <p>17 evidence in the windshield there of a</p> <p>18 hole, or evidence that something has</p> <p>19 struck the windshield?</p> <p>20 A. Yes.</p> <p>21 Q. Do you happen to recognize the</p> <p>22 plate on that car that is shown in</p> <p>23 photograph 5?</p> <p>24 A. Yes.</p> <p>25 Q. Now, I'm going to show you -- this</p>	<p style="text-align: right;">Page 68</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. That's the one you were operating</p> <p>3 on the morning of February 27, 2011?</p> <p>4 A. Yes.</p> <p>5 Q. And you say there's blood all over</p> <p>6 the steering wheel?</p> <p>7 A. Yes.</p> <p>8 Q. And do you see in here the gear</p> <p>9 shift that you were telling me about a few</p> <p>10 minutes ago?</p> <p>11 A. Yes.</p> <p>12 Q. And is that to the right of the</p> <p>13 steering wheel there?</p> <p>14 A. Yes.</p> <p>15 Q. Now, in order to put this car into</p> <p>16 reverse, what would you do with the gear</p> <p>17 shift there -- withdrawn.</p> <p>18 Do you see the gear shift to the</p> <p>19 right of the steering wheel?</p> <p>20 A. Yes.</p> <p>21 Q. Is that the gear shift that allows</p> <p>22 you to change gears?</p> <p>23 A. Yes.</p> <p>24 Q. And in order to put the car into</p> <p>25 reverse, what would you do with that gear</p>
<p style="text-align: right;">Page 67</p> <p>1 Thomas M. Moroughan</p> <p>2 is just a -- Photograph Number 4, and</p> <p>3 obviously, it looks -- appears to be a</p> <p>4 photograph taken under the hood of the</p> <p>5 car.</p> <p>6 Do you recognize that?</p> <p>7 A. No.</p> <p>8 Q. Have you ever looked under the</p> <p>9 hood of this car?</p> <p>10 A. No. No. It was brand-new. I</p> <p>11 didn't have reason to.</p> <p>12 MR. GRANDINETTE: What was that</p> <p>13 Exhibit number, Michael? Four?</p> <p>14 MR. FERGUSON: Four.</p> <p>15 Q. So -- now, I have -- let me show</p> <p>16 you what's been shown here as Exhibit</p> <p>17 Number 2.</p> <p>18 And tell me if you recognize what is</p> <p>19 shown in Exhibit Number 2.</p> <p>20 A. Yes.</p> <p>21 Q. And what do you recognize that to</p> <p>22 be?</p> <p>23 A. The interior of the 2010 Toyota</p> <p>24 Prius that I was operating, with blood all</p> <p>25 over the steering wheel.</p>	<p style="text-align: right;">Page 69</p> <p>1 Thomas M. Moroughan</p> <p>2 shift?</p> <p>3 A. You push it to the left and then</p> <p>4 up.</p> <p>5 Q. Do you have to, like, push it down</p> <p>6 in order to go to the left --</p> <p>7 A. No.</p> <p>8 Q. -- or just straight to the left?</p> <p>9 A. Straight to the left and up.</p> <p>10 Q. Straight to the left and up.</p> <p>11 Okay.</p> <p>12 And would your answers be the same</p> <p>13 as to Exhibit Number 7?</p> <p>14 A. Yes.</p> <p>15 Q. And does that appear to be the</p> <p>16 same -- obviously, the lighting conditions</p> <p>17 are different, but does that appear to be</p> <p>18 the same car that you were driving and</p> <p>19 showing the gear shift and the steering</p> <p>20 wheel?</p> <p>21 A. Yes.</p> <p>22 Q. On Exhibit Number 7, is it to the</p> <p>23 right of the steering wheel where there's</p> <p>24 a button that you push to start the car?</p> <p>25 Is that the button you're referring to?</p>

18 (Pages 66 - 69)

<p style="text-align: right;">Page 70</p> <p>1 Thomas M. Moroughan 2 A. Yes. 3 MR. GRANDINETTE: Objection to 4 form. 5 A. Yes. 6 Q. That's the button that you're 7 referring to? 8 MR. GRANDINETTE: Which button are 9 you referring to? 10 THE WITNESS: This one right here. 11 MR. GRANDINETTE: For the record, 12 that would be, what, left of the -- or 13 right underneath the directional 14 signal? 15 THE WITNESS: No. That's not the 16 directional. That's the windshield 17 wiper. 18 To the left of the center console, 19 underneath the dash. It is glowing 20 green, it says "Power," and that is 21 the "power" symbol. 22 Q. Now, where is the gear shift when 23 you have the car in neutral? 24 A. You just push it back over to the 25 right.</p>	<p style="text-align: right;">Page 72</p> <p>1 Thomas M. Moroughan 2 Q. The same button that you use to 3 press it on? 4 A. Yes. 5 Q. And while the car is in park, can 6 you accelerate -- I mean, like, even 7 though the car doesn't move, can you press 8 the gas and rev the engine? 9 A. No. 10 Q. No. 11 And while the car is in neutral, can 12 you press the gas and rev the engine? 13 MR. GRANDINETTE: Objection. 14 MR. FERGUSON: What's the basis of 15 your objection? 16 MR. GRANDINETTE: The basis for 17 the objection is that you're asking 18 him hypotheticals unrelated to his 19 notice of claim here today, and I 20 think it's inappropriate that you're 21 asking -- you're making him an expert 22 on a Toyota Prius, and that's not the 23 purpose of the 50-H today. 24 MR. FERGUSON: I'm not making him 25 an expert.</p>
<p style="text-align: right;">Page 71</p> <p>1 Thomas M. Moroughan 2 Q. To the right? 3 A. Yes. Just slap it over to the 4 right. 5 Q. And then, where is park? 6 MR. GRANDINETTE: Objection to the 7 form. 8 Q. Where is the gear shift when you 9 have it in park? 10 A. In neutral. There is a button 11 above the gear shifter, on the left-hand 12 side, that says "P" on it. And that's the 13 "park" button. So you just push that 14 button, and it goes into park. 15 Q. And then, when it's in park, the 16 engine is still on, unless you shut it 17 off, right? 18 MR. GRANDINETTE: Objection to 19 form. 20 Q. You can keep the engine on in 21 park, right? 22 A. Correct. 23 Q. And if you want to turn the engine 24 off, how do you do that? 25 A. Press the power button.</p>	<p style="text-align: right;">Page 73</p> <p>1 Thomas M. Moroughan 2 MR. GRANDINETTE: Yes, you are. 3 You're asking -- 4 MR. FERGUSON: I'm asking him how 5 he operates the car. 6 MR. GRANDINETTE: And I'm 7 objecting. 8 If you ask him how he operated the 9 car that night, what he did at that 10 particular night, what button he 11 pushed, what lever he pushed, I have 12 no objection. But to ask him 13 questions -- Can you hit the gas? Can 14 you put the car in park? Can you rev 15 the engine if the car is in park? -- 16 I object to all of that. 17 MR. FERGUSON: Well, your 18 objections are noted. The questions 19 are, in my opinion, obviously 20 relevant, because it has to do with 21 the operation of the car and his 22 ability and his knowledge as to how to 23 operate the car. And so the 24 questioning is not limited simply to 25 that night, because it's already been</p>

19 (Pages 70 - 73)

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<p style="text-align: right;">Page 74</p> <p>1 Thomas M. Moroughan 2 established that he's been operating 3 this car for several days, and it's 4 obviously very relevant. 5 MR. GRANDINETTE: It may be; it 6 may not be. It's relevant to your 7 defense, but, you know -- we'll just 8 take it one question at a time. I'll 9 object to each one of these questions. 10 I'll have him answer subject to my 11 objection. 12 If you know, don't guess. 13 THE WITNESS: Okay. 14 MR. FERGUSON: Could you go back 15 to the last question, please. 16 (Record was read back) 17 MR. GRANDINETTE: Objection. 18 Answer the question to the best of 19 your ability, if you know. 20 A. I do not believe so. 21 MR. FERGUSON: Wasn't there two 22 questions about that, and weren't they 23 answered? 24 Could you go back to the two 25 questions? One was park and one was</p>	<p style="text-align: right;">Page 76</p> <p>1 Thomas M. Moroughan 2 there is a record here which refers to 3 criminal history. 4 So I'm going to ask you a few 5 questions about that. Okay? 6 A. Okay. 7 Q. Have you, sir, ever been convicted 8 of a crime? 9 A. Yes. 10 Q. And how many times have you been 11 convicted of a crime? 12 A. Twice. 13 Q. And what states have you been 14 convicted of a crime? 15 A. New York and Tennessee. 16 Q. And what crime were you convicted 17 of in Tennessee? 18 A. Passing a worthless check. 19 Q. And did you plead guilty to a 20 charge, or was there a trial in connection 21 with that -- 22 A. I pled guilty. 23 Q. You pled guilty? 24 And when was that, approximately? 25 A. '09.</p>
<p style="text-align: right;">Page 75</p> <p>1 Thomas M. Moroughan 2 neutral. 3 (Record was read back: "Q. And 4 while the car is in neutral, can you 5 press the gas and rev the engine?") 6 MR. GRANDINETTE: Objection. If 7 you know. 8 A. I do not believe so. I've never 9 tried it. 10 Q. When you're operating that car on 11 that particular night, or any night that 12 you drove it, if you want to go from drive 13 to park, what do you have to do with the 14 gear shift? 15 MR. GRANDINETTE: Objection. 16 Answer the question, if you know. 17 A. Nothing with the gear shift. You 18 press the button that says "Park." 19 Q. So if the car is in drive, you 20 leave it in drive and just press the 21 button that says "Park"? 22 A. Yes. 23 Q. And then it's in park? 24 A. Yes. 25 Q. On this Respondent's Exhibit 1,</p>	<p style="text-align: right;">Page 77</p> <p>1 Thomas M. Moroughan 2 Q. 2009? 3 And what county or city was that in? 4 A. Monroe County, Tennessee. 5 Q. And what was the amount of the 6 check? 7 A. I believe, \$160. 8 Q. And was there a penalty? 9 A. A restitution. 10 Q. Beyond that, was there any 11 penalty? 12 A. Probation until the restitution 13 was paid. 14 Q. And were you on probation? 15 A. For a few weeks. 16 Q. And the check was made out to who? 17 A. Kroger, K-R-O-G-E-R. 18 Q. Is that a company? 19 A. It's a supermarket, yes. 20 Q. And did you say you were convicted 21 of a crime in New York? 22 A. Yes. 23 Q. What was that? 24 A. Criminal contempt. 25 Q. And was that for violating an</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 Thomas M. Moroughan 2 order of protection? 3 A. Yes. 4 Q. And what year was that, 5 approximately? 6 A. '06. 7 Q. 2006? 8 A. Yes. 9 Q. And was -- an order of protection 10 had been issued? 11 A. Yes. 12 Q. Was it by Family Court or a 13 different court? 14 A. It was by Manatee County Court, in 15 Florida. 16 Q. By Manatee County Court, in 17 Florida? 18 A. Yes. 19 Q. And who obtained the order of 20 protection? 21 A. Jessica Cushing. 22 Q. Did the order of protection -- 23 what did it specify in terms of what you 24 were supposed to do or not do? 25 A. No contact.</p>	<p style="text-align: right;">Page 80</p> <p>1 Thomas M. Moroughan 2 A. Yes. 3 Q. On that warrant? 4 A. Yes. 5 Q. And is there -- was there a charge 6 lodged against you that resulted in a 7 warrant being issued? 8 A. Yes. 9 Q. What was that? 10 A. Forgery and theft under a 11 thousand. 12 Q. Were you supposed to appear in 13 court in -- what was that? -- you say 14 McMinn County? 15 A. Yes. 16 MR. GRANDINETTE: At this time, 17 I'm just going to direct that my 18 client invoke the Fifth Amendment. 19 I'll fill you in on -- it's a pending 20 open warrant regarding a check case in 21 which he cashed a check for his 22 brother-in-law. But I can't let him 23 go on the record right now. We're 24 going to address that with the McMinn 25 County authorities. But at this time,</p>
<p style="text-align: right;">Page 79</p> <p>1 Thomas M. Moroughan 2 Q. No contact at all? 3 A. No third-party contact, no 4 contact, no -- no face-to-face. 5 Q. Do you have any -- currently have 6 any charges pending against you? 7 A. What do you mean? 8 Q. Do you have any criminal charges 9 pending against you at the present time? 10 A. I have an active warrant. 11 Q. An active warrant? 12 A. Yes. 13 Q. And where is the warrant from? 14 A. Tennessee. 15 Q. What part of Tennessee? 16 A. McMinn County. 17 Q. Can you spell that? 18 A. M-C-M-I-N-N. 19 Q. And is that an active warrant for 20 your arrest? 21 A. Yes. 22 Q. And you say it's an active 23 warrant? 24 A. Yes. 25 Q. Meaning you're subject to arrest?</p>	<p style="text-align: right;">Page 81</p> <p>1 Thomas M. Moroughan 2 I can't let him answer any questions, 3 because it's open. 4 Q. Where is McMinn County? 5 A. Tennessee. 6 Q. When was the last time you were in 7 McMinn County? 8 MR. GRANDINETTE: Same thing. I'm 9 going to ask him to invoke the Fifth 10 to any question involving this, 11 because that could impact his criminal 12 rights. 13 MR. FERGUSON: Well, I absolutely 14 disagree with you, but I'm not going 15 to make an issue of it. But I think 16 you're wrong. But that's okay. I'll 17 leave it at that. 18 Q. Do you have any other charges 19 pending against you at the present time? 20 A. No, not that I'm aware of. 21 Q. Did you review any documents in 22 preparation for this deposition or hearing 23 today? 24 A. Just my previous notes that I had, 25 that we have sitting here.</p>

21 (Pages 78 - 81)

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<p style="text-align: right;">Page 82</p> <p>1 Thomas M. Moroughan 2 Q. Three pages of notes? 3 A. Three pages of notes that I did in 4 February, as ordered by my criminal 5 defense attorney at the time. 6 Q. Who was that? 7 A. William Petrilo. 8 Q. William what? 9 A. Petrilo, P-E-T-R-I-L-O. 10 Q. You say -- and William Petrilo 11 told you to make the notes? 12 A. He told me to jot things down that 13 I feel might be important later on so I 14 can have my memory -- just in case 15 certain -- 16 Q. So you retained William Petrilo at 17 some point? 18 A. Yes. 19 Q. When did you retain William 20 Petrilo? 21 A. The 27th; February 27th, 2011. 22 Q. When did he tell you to jot down 23 some notes? 24 A. Middle of March, maybe; a week or 25 two.</p>	<p style="text-align: right;">Page 84</p> <p>1 Thomas M. Moroughan 2 and you didn't use another person? 3 A. No. 4 Q. But your girlfriend was with you 5 the night you were arrested, right? 6 A. Yes, she was with me the night I 7 was arrested. 8 Q. Did she help you write out the 9 times on these notes? 10 A. No. I mean, I'm pretty good with 11 telling the difference between time. 12 MR. GRANDINETTE: Was the answer 13 no? 14 THE WITNESS: No. 15 Q. When you were involved in an 16 incident that began on the early morning 17 hours of February 27, 2011 -- is that the 18 date, right? Am I right on the date? 19 A. Yes. 20 Q. Were you wearing a watch that day? 21 A. Not that I can remember, no. 22 Q. Did you have a clock in the car? 23 A. Yes. 24 Q. So the times that you have written 25 on these pages here, what is that based</p>
<p style="text-align: right;">Page 83</p> <p>1 Thomas M. Moroughan 2 Q. Middle of March, 2011? 3 A. Yes. 4 Q. And then you jotted down notes? 5 A. Yes. 6 Q. And that's the three pages that we 7 have here? 8 A. Yes. 9 Q. We'll have them marked. 10 Was anyone with you when you jotted 11 down these notes? 12 A. Possibly my girlfriend. I'm not a 13 hundred percent sure. 14 Q. Did anyone provide you any 15 assistance as to any of the information 16 that's on these notes? 17 A. No. 18 Q. Are you saying that everything on 19 these notes, these three pages, is solely 20 from your memory? 21 A. Yes. 22 Q. Did you use any documents of any 23 type to assist you? 24 A. No. 25 Q. So you didn't use any documents</p>	<p style="text-align: right;">Page 85</p> <p>1 Thomas M. Moroughan 2 on? 3 MR. GRANDINETTE: Objection. 4 Asked and answered. I think he said 5 it was his memory. 6 But if you can -- 7 A. It was -- based upon -- most 8 people know the difference between a half 9 hour and two hours, based on personal 10 knowledge. 11 Q. No. But I'm not asking you about 12 most people. I'm asking about you. 13 What is the time based on? 14 A. Based on my memory. 15 Q. Your memory? 16 A. My recollection. 17 MR. FERGUSON: Are these mine, 18 these three? 19 MR. GRANDINETTE: Those are your 20 copies. 21 MR. FERGUSON: Can I have them 22 marked? 23 MR. GRANDINETTE: Yes. 24 MR. FERGUSON: You want to mark 25 them collectively?</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 Thomas M. Moroughan</p> <p>2 MR. GRANDINETTE: It's a good</p> <p>3 idea.</p> <p>4 (Respondent's Exhibit 8, notes, was</p> <p>5 marked for identification)</p> <p>6 Q. Did you review anything else,</p> <p>7 other than these three pages of notes, to</p> <p>8 prepare for this deposition here today?</p> <p>9 A. No.</p> <p>10 Q. Did you look at the notice of</p> <p>11 claim?</p> <p>12 A. No.</p> <p>13 Q. Are you aware of any witnesses to</p> <p>14 the incident that occurred on the morning</p> <p>15 of February 27, 2011, other than your</p> <p>16 girlfriend?</p> <p>17 A. No.</p> <p>18 Q. Did you ever speak to anyone who</p> <p>19 said that they were a witness to anything?</p> <p>20 A. No.</p> <p>21 MR. GRANDINETTE: Just for</p> <p>22 clarification, were we talking to the</p> <p>23 actual events that happened on the</p> <p>24 side of the road that night?</p> <p>25 MR. FERGUSON: Yes.</p>	<p style="text-align: right;">Page 88</p> <p>1 Thomas M. Moroughan</p> <p>2 have a recollection of what you were doing</p> <p>3 on February 26th?</p> <p>4 MR. GRANDINETTE: Object. That's</p> <p>5 not what he said. You have a question</p> <p>6 which encompasses 24 hours. It's got</p> <p>7 nothing to do with this notice of</p> <p>8 claim. And if you want to ask him</p> <p>9 about a specific time and give me an</p> <p>10 offer of proof, I have no problem with</p> <p>11 him answering the question; otherwise,</p> <p>12 I would ask you to be more specific.</p> <p>13 MR. FERGUSON: Well, I'm asking</p> <p>14 him what he did on February 26th,</p> <p>15 which is -- obviously, we know we're</p> <p>16 going to get to the point -- I think</p> <p>17 he told me he went to work at</p> <p>18 o'clock.</p> <p>19 MR. GRANDINETTE: Okay.</p> <p>20 MR. FERGUSON: I'm asking him what</p> <p>21 he did earlier than that. It may or</p> <p>22 may not be very relevant to what</p> <p>23 happens starting at 6:00 o'clock. And</p> <p>24 that's the purpose of the question.</p> <p>25 But I don't intend to sit here and</p>
<p style="text-align: right;">Page 87</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. I don't mean at the hospital.</p> <p>3 Pardon me?</p> <p>4 A. At the hospital -- there is a</p> <p>5 witness at the hospital.</p> <p>6 Q. Yeah. No. I don't mean at the</p> <p>7 hospital. I meant on the street.</p> <p>8 A. Okay.</p> <p>9 Q. Now, the -- do you recall --</p> <p>10 withdraw.</p> <p>11 MR. FERGUSON: Off the record.</p> <p>12 (Discussion off the record)</p> <p>13 Q. Do you recall, Mr. Moroughan, what</p> <p>14 you were doing on Saturday, February 26th?</p> <p>15 MR. GRANDINETTE: Objection.</p> <p>16 You can answer it.</p> <p>17 A. I was driving a taxi.</p> <p>18 Q. Before you were driving a taxi.</p> <p>19 MR. GRANDINETTE: Objection.</p> <p>20 You can answer it.</p> <p>21 A. Probably hanging out with my</p> <p>22 girlfriend or sleeping, or I might have</p> <p>23 taken my dog to the dog park that day. I</p> <p>24 couldn't tell you before.</p> <p>25 Q. Would it be fair to say you don't</p>	<p style="text-align: right;">Page 89</p> <p>1 Thomas M. Moroughan</p> <p>2 explain to you why I ask questions at</p> <p>3 depositions or 50-H hearings.</p> <p>4 MR. GRANDINETTE: What time?</p> <p>5 MR. FERGUSON: Do you want me to</p> <p>6 start going at 9:00 o'clock and</p> <p>7 o'clock and 11:00 o'clock?</p> <p>8 MR. GRANDINETTE: Yeah.</p> <p>9 MR. FERGUSON: I'm just asking him</p> <p>10 if he recalls what he was doing that</p> <p>11 day.</p> <p>12 MR. GRANDINETTE: Okay. Shoot.</p> <p>13 Does he recall what he was doing on</p> <p>14 the 26th, prior to going to work?</p> <p>15 Then -- you understand the nature of</p> <p>16 the question?</p> <p>17 THE WITNESS: Yes.</p> <p>18 MR. GRANDINETTE: Can you answer</p> <p>19 it?</p> <p>20 A. I was hanging around my house.</p> <p>21 MR. GRANDINETTE: Don't guess.</p> <p>22 A. I was hanging around my house,</p> <p>23 probably watching TV, hanging out with my</p> <p>24 girlfriend. I had food.</p> <p>25 Q. And then there came a time that</p>

23 (Pages 86 - 89)

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<p style="text-align: right;">Page 90</p> <p>1 Thomas M. Moroughan 2 you went to work, right? 3 A. Yes. 4 Q. How did you get there? 5 A. I drove. 6 Q. And what did you drive? 7 A. A 2009 Nissan Sentra. 8 Q. And was that your car? 9 A. No. 10 Q. Whose car was that? 11 A. My girlfriend's. 12 Q. Did she go with you? 13 A. No. 14 Q. And you drove the 2009 Nissan 15 Sentra to where? 16 A. [REDACTED] 17 [REDACTED] 18 Q. Was that the location of Dobro 19 Express? 20 A. Yes. 21 Q. And then, at that time, did you 22 pick up the car, the hybrid car? 23 A. Yes. 24 Q. And what time did you start 25 working?</p>	<p style="text-align: right;">Page 92</p> <p>1 Thomas M. Moroughan 2 A. About 12:30. 3 Q. At that time, at 12:30, where did 4 your fare go? 5 A. Went to a bar on Larkfield Road, 6 in East Northport. 7 Q. Was your girlfriend with you at 8 that time? 9 A. Yes. 10 Q. And at what point did your 11 girlfriend accompany you in the cab? 12 A. Around 8:00 p.m. 13 Q. And after your girlfriend 14 accompanied you in the cab, did she remain 15 with you in the cab after that, after 16 8:00 p.m.? 17 A. Yes. 18 Q. And after you dropped off the fare 19 at the bar -- where did you say the bar 20 was? 21 A. Larkfield Road, in East Northport. 22 Q. What did you do after that? 23 A. Drove back to Huntington. 24 Q. How far is that? 25 A. About three or four miles.</p>
<p style="text-align: right;">Page 91</p> <p>1 Thomas M. Moroughan 2 A. Between 6:00 and 6:30. 3 Q. Now, between 6:00 and 6:30, were 4 you picking up fares and getting fares by 5 call and so forth? 6 MR. GRANDINETTE: Can you repeat 7 the question. 8 A. Not until I got into the actual 9 taxi. 10 Q. When you got into the taxi, you 11 started work, right? 12 A. Yes. 13 Q. And then, after that, you started 14 to pick up or get fares, right? 15 A. Yes. 16 Q. And do you recall how many fares 17 you had gotten prior to 1:00 o'clock in 18 the morning? 19 A. Eight to ten. 20 Q. And do you recall when the last 21 fare was before you got into -- involved 22 into an incident with some vehicles that 23 Sunday morning? 24 MR. GRANDINETTE: Objection to the 25 form, but you can answer it.</p>	<p style="text-align: right;">Page 93</p> <p>1 Thomas M. Moroughan 2 Q. And how did you get to Huntington? 3 A. Put the car in drive and pressed 4 on the gas pedal. 5 MR. FERGUSON: We're going to be 6 wise guys; we're going to be here a 7 long time, okay? 8 I'm going to take a recess, and when 9 you guys are ready to answer 10 questions, I'll be back. All right? 11 MR. GRANDINETTE: Okay. 12 Q. If I ask you how you get there and 13 you want to tell me you put your foot on 14 the gas pedal, that's okay; but then we're 15 going to be here till 9:00 o'clock 16 tonight. 17 MR. FERGUSON: Ask my last 18 question. 19 (Record read back) 20 MR. FERGUSON: Go back to the 21 question before that, please. 22 (Record was read back) 23 Q. What route did you take to get 24 from East Northport to Huntington? 25 A. From the bar itself, I made a</p>

24 (Pages 90 - 93)

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1 Thomas M. Moroughan
2 U turn going from the north -- northbound
3 to southbound, on Larkfield Road. I made
4 a right-hand turn to go west onto Pulaski
5 Road. Then I took Pulaski into
6 Huntington.
7 Q. And when you were in Huntington,
8 did there come a time when you were on
9 Route 110?
10 A. Yes.
11 Q. Is that New York Avenue?
12 A. Yes.
13 Q. Did you then turn off New York
14 Avenue?
15 A. Yes.
16 Q. Where did you go?
17 A. Soon as I got back, actually, I
18 turned -- when I first got back into
19 Huntington, I turned onto Lenox Road, and
20 I went to the B side of the Huntington
21 train station. From there, I was
22 dispatched.
23 Q. Where did you go after that?
24 A. I was dispatched to pick up at
25 131 West 19th Street. So I made a -- I

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1 Thomas M. Moroughan
2 came out of the train station parking lot,
3 went out Fair Ground to East Third Street,
4 made a right going west on East Third,
5 took East Third, went through the gas
6 station across the street, which was a USA
7 gas station, and made a left onto New York
8 Avenue, going southbound.
9 Q. Now, the pickup was at 131 West
10 19th?
11 A. Yes.
12 Q. And you live at [REDACTED]
13 A. Yes.
14 Q. [REDACTED]s
15 [REDACTED]?
16 A. Yes.
17 Q. And did you actually go to
18 131 West 19th?
19 A. No.
20 Q. Was that fare canceled?
21 A. Yes.
22 Q. Now, when you were driving your
23 car on West 19th Street -- or were you
24 driving your car at some point on West
25 19th Street?

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1 Thomas M. Moroughan
2 A. Yes, but that was already after
3 the incident was started.
4 Q. Where were you driving when some
5 incident started?
6 A. I was still on --
7 Q. On what street?
8 A. I was on New York Avenue, in the
9 right-hand turning lane, trying to turn
10 onto West Hills Road going westbound -- to
11 go westbound. Sorry.
12 Q. And did you turn into West Hills
13 Road, make a right turn onto West Hills
14 Road going west?
15 A. Eventually, yes.
16 Q. Did something happen at that time?
17 A. As I was trying to turn, a blue
18 Acura came from the left-hand side of me
19 and cut me off and turned in front of me
20 onto West Hills Road going westbound, and
21 almost ran me off the road. I had to
22 drive onto the sidewalk to avoid hitting
23 the blue Acura.
24 Q. And did you actually drive onto
25 the sidewalk?

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1 Thomas M. Moroughan
2 A. Yes.
3 Q. Is West Hills Road -- is that a
4 one-lane road?
5 A. Two lanes; one lane going each
6 direction.
7 Q. One lane going east, one lane
8 going west?
9 A. Yes.
10 Q. And you were going west?
11 A. Yes.
12 Q. And the blue Acura was also going
13 west?
14 A. Yes.
15 Q. And when the blue Acura cut you
16 off and you say you went up on the
17 sidewalk, you went up on the sidewalk on
18 the south side of the street, or the
19 east --
20 A. North.
21 Q. North side of the street.
22 MR. GRANDINETTE: Sidewalk or side
23 curb?
24 THE WITNESS: It had a little
25 sidewalk curb, sidewalk right there.

<p style="text-align: right;">Page 98</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. So you're travelling west on West</p> <p>3 Hills Road, and the Acura passes you,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Then what happened?</p> <p>7 A. I flashed my high beams at him and</p> <p>8 kept going. And a few seconds later, a</p> <p>9 white Infiniti comes flying up behind me</p> <p>10 at a excessive amount of speed, and he's</p> <p>11 flashing his high beams; he's beeping his</p> <p>12 horn. He's getting closer and closer and</p> <p>13 had to fall back. Getting closer and</p> <p>14 closer again, until I just felt this guy</p> <p>15 was just too scary, and I put my hazards</p> <p>16 on and pulled over to the right to let him</p> <p>17 go around me.</p> <p>18 Q. So the white Infiniti went around</p> <p>19 you?</p> <p>20 A. Yes.</p> <p>21 Q. What happened after that?</p> <p>22 A. I was driving west on West Hills</p> <p>23 still. West Hills turns into West 19th</p> <p>24 Street. And at that time, the dispatcher</p> <p>25 called me and told me that that call had</p>	<p style="text-align: right;">Page 100</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. At the corner of what?</p> <p>3 A. Tippin Drive, with the blue Acura</p> <p>4 in front and the white Infiniti behind the</p> <p>5 blue Acura.</p> <p>6 Q. So when you went to make a right</p> <p>7 turn and you were going north on Oakwood,</p> <p>8 the blue Acura and the white Infiniti were</p> <p>9 also on the same street going on the north</p> <p>10 on Oakwood Road?</p> <p>11 A. The blue Acura and the white</p> <p>12 Infiniti were, yes, going north on the</p> <p>13 right-hand side of the road, on the</p> <p>14 shoulder.</p> <p>15 Q. Were they stopped?</p> <p>16 A. Yes.</p> <p>17 Q. Did you say there was a shoulder</p> <p>18 there?</p> <p>19 A. Yes.</p> <p>20 Q. Was there, like, a parking lane</p> <p>21 there?</p> <p>22 A. No. Just, I guess, emergency</p> <p>23 shoulder.</p> <p>24 Q. And this Oakwood Road, how many</p> <p>25 lanes is that?</p>
<p style="text-align: right;">Page 99</p> <p>1 Thomas M. Moroughan</p> <p>2 cancelled.</p> <p>3 Huntington Village is very popular</p> <p>4 on the weekends for their bars, and a lot</p> <p>5 of people flag you down, so I was going to</p> <p>6 head down there, because he had no other</p> <p>7 calls at the time for me to go pick up.</p> <p>8 Q. Now, the blue Acura and the white</p> <p>9 Infiniti that passed you, could you still</p> <p>10 see them in front of you going westbound?</p> <p>11 A. Yes.</p> <p>12 Q. Did there come a time when you</p> <p>13 lost sight of them?</p> <p>14 A. Yes.</p> <p>15 Q. And was that when you were on West</p> <p>16 19th Street?</p> <p>17 A. Yes.</p> <p>18 Q. Where did you go after West 19th</p> <p>19 Street?</p> <p>20 A. I went up to Oakwood Road. I made</p> <p>21 a right onto Oakwood Road, going</p> <p>22 northbound. And when I turned, I saw the</p> <p>23 blue Acura and the white Infiniti on the</p> <p>24 northbound shoulder of Oakwood Road, at</p> <p>25 the corner of Tippin --</p>	<p style="text-align: right;">Page 101</p> <p>1 Thomas M. Moroughan</p> <p>2 A. Two lanes; one going each</p> <p>3 direction.</p> <p>4 Q. One each direction?</p> <p>5 A. One north, one south.</p> <p>6 Q. So there's a total of two traffic</p> <p>7 lanes?</p> <p>8 A. Yes.</p> <p>9 Q. One north --</p> <p>10 A. One south.</p> <p>11 Q. -- and one south.</p> <p>12 And they were going north, and you</p> <p>13 were going north?</p> <p>14 A. Yes.</p> <p>15 Q. Except that they're stopped?</p> <p>16 A. Yes.</p> <p>17 Q. When these car -- when this white</p> <p>18 Infiniti passed you, and when you said you</p> <p>19 pulled over and let that car past you, did</p> <p>20 you look to see who was driving that car,</p> <p>21 that guy that was kind of harassing you</p> <p>22 from behind?</p> <p>23 A. No.</p> <p>24 Q. Could you tell who was in the car?</p> <p>25 A. No. The tint was very dark.</p>

26 (Pages 98 - 101)

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1 Thomas M. Moroughan
2 Q. So now, when you get onto Oakwood
3 Road and you make the right going north,
4 you recognize these as the same two cars?
5 A. Yes.
6 Q. And they're stopped?
7 A. Yes.
8 Q. Is anyone out of the cars?
9 A. No.
10 Q. Are any of the doors open?
11 A. No.
12 Q. As far as you could tell, were the
13 engines running?
14 A. Yes.
15 Q. And you say this is at the corner
16 of Tippin Drive?
17 A. Yes.
18 Q. And how far -- is it north of the
19 corner of Tippin Drive?
20 A. It was south of the corner of
21 Tippin Drive.
22 Q. They're going north, but they're
23 south of the corner of Tippin Drive?
24 A. Yes.
25 Q. How far are they south of the

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1 Thomas M. Moroughan
2 corner of Tippin Drive?
3 A. Four or five feet, if that.
4 Q. So they're going north on Oakwood,
5 and Tippin Drive is north of them?
6 A. Yes.
7 Q. And what is south of them?
8 A. West 19th Street.
9 Q. West 19th Street.
10 And that's where you turned into
11 Oakwood, right?
12 A. Yes.
13 Q. So they're closer to Tippin than
14 they are to West 19th?
15 A. Yes.
16 Q. So now you're proceeding north on
17 West 19th, correct?
18 A. No.
19 Q. No?
20 Didn't you make --
21 A. Oakwood Road.
22 Q. I mean on Oakwood Road. Thank you
23 for correcting me.
24 You made a right turn onto Oakwood,
25 and you're proceeding north on Oakwood?

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1 Thomas M. Moroughan
2 A. Yes.
3 Q. And you're in the only lane that
4 is going north, right?
5 A. Yes.
6 Q. And there's a shoulder to your
7 right, I take it?
8 A. Yes.
9 Q. And are there houses there?
10 A. Yes.
11 Q. They're private homes?
12 A. Yes.
13 Q. And I take it there's some sort of
14 street lighting?
15 A. Yes.
16 Q. And the time now is about what?
17 A. 1:13, 1:14.
18 Q. What happened next?
19 A. I pull alongside the white
20 Infiniti, stop my car. I roll down my
21 window, my passenger-side window.
22 Q. That's where your girlfriend is
23 sitting?
24 A. Yes.
25 Q. Go ahead.

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1 Thomas M. Moroughan
2 A. The driver of the white Infiniti
3 rolls down his driver's window, and I yell
4 at him, "What the hell is wrong with you?
5 You can kill somebody."
6 Q. When he rolls down his window --
7 A. And I said, "Learn how to drive."
8 I'm sorry.
9 Q. When he rolled down his window,
10 you now can see his face?
11 A. Yes.
12 Q. And you're looking, I guess, out
13 your right --
14 A. Yes.
15 Q. -- window, which is also rolled
16 down?
17 A. Yes.
18 Q. So there's no closed windows?
19 A. No.
20 Q. So what did he look like?
21 A. It was a Caucasian male, dark
22 hair, mid-twenties.
23 Q. So what happened next?
24 A. I yell at him, "You can kill
25 somebody. Learn how to drive."

<p style="text-align: right;">Page 106</p> <p>1 Thomas M. Moroughan 2 He yells back at me, "Learn how to 3 fucking drive a taxi, faggot." 4 We exchanged a few more words. I'm 5 not exactly sure, word for word, what was 6 said. And I remember going, "Whatever. 7 Fuck you." 8 And I put the car in reverse to -- I 9 didn't want to have to drive past him. I 10 didn't want them to see where I was going. 11 Q. You didn't want to drive past the 12 Infiniti? 13 A. I didn't want to pass either car. 14 I didn't want them to see where I was 15 going, just in case it led into another 16 problem. I don't want anybody following 17 me. 18 Q. You're talking to the guy in the 19 Infiniti, but the Acura was north of the 20 Infiniti? 21 A. Yes. 22 Q. But the guy in the Acura is still 23 inside the Acura? 24 A. Yes. 25 Q. And the guy in the Infiniti is</p>	<p style="text-align: right;">Page 108</p> <p>1 Thomas M. Moroughan 2 A. Yes. Right. 3 Q. And I take it this was sort of a 4 newish, white Infiniti? 5 A. Yes. 6 Q. Good-condition car, right? 7 A. Yes. 8 Q. So your cars are lined up pretty 9 much even when you're having this exchange 10 with him. 11 How long did this exchange take 12 where you're kind of going back and forth? 13 A. Few minutes. 14 Q. And was there some cursing going 15 on? 16 A. Yes. 17 Q. Was that both ways? 18 A. Probably, yes. 19 Q. So now, the only car that moves at 20 this point is your car? 21 A. Yes. 22 Q. And you say you moved back a 23 half-car length? 24 A. Yes. 25 Q. And then what happened?</p>
<p style="text-align: right;">Page 107</p> <p>1 Thomas M. Moroughan 2 still inside the Infiniti? 3 A. Yes. 4 Q. So what happened after that? 5 A. I backed up in reverse. I go 6 about maybe a half a car length, and he 7 says -- he yells out the window, "And 8 teach your fat-ass girlfriend to learn how 9 to use diet." 10 Q. This is after you back up a half a 11 car length, you say? 12 A. Yes. 13 Q. Now, when you were parked 14 alongside the Infiniti and you're talking 15 to the driver of the Infiniti, are your 16 cars at the same point, or is he a little 17 bit in front of you or you a bit in front 18 of him? 19 A. Window to window. We're at the 20 same point. Windows were aligned. 21 Q. So you're aligned up? 22 A. Yes. 23 Q. So basically, your front fenders 24 would be the same point, give or take the 25 size of the car?</p>	<p style="text-align: right;">Page 109</p> <p>1 Thomas M. Moroughan 2 A. He yells out the window, "Teach 3 your fat-ass girlfriend to learn how to 4 use a diet." 5 Q. Then what happened? 6 A. That got me a little upset, and I 7 put the car in park. I opened up my car 8 door. I stepped out, like, halfway, 9 meaning putting my left leg out the car 10 door, sticking my head between the door -- 11 the door jamb and the windshield to look 12 over the car, and I yelled at him, "What 13 the hell is your problem?" 14 Q. When you say you're looking over 15 the car, you mean the roof or the front 16 hood? 17 A. The hood. 18 Q. The hood. 19 A. The roof hood. 20 Q. So you opened up the driver's-side 21 door, and your left leg is out and your 22 head is out? 23 A. Yes. 24 Q. And you're yelling something to 25 him?</p>

28 (Pages 106 - 109)

<p style="text-align: right;">Page 110</p> <p>1 Thomas M. Moroughan 2 A. Yes. 3 Q. And is he still in his car? 4 A. Yes. 5 Q. And is the guy still in the Acura? 6 A. Yes. 7 Q. Then what happened? 8 A. He opens up his car door, he steps 9 out, and he yells, "I'll show you what my 10 fucking problem is." 11 Q. When he opens the car door, I take 12 it he opens the driver's door? 13 A. Yes. 14 Q. Steps out? 15 A. Steps out. 16 Q. Now, your car -- I know you said 17 it was in reverse. 18 Are you in the actual traffic lane, 19 or are you on the shoulder? 20 A. In the traffic lane. 21 Q. You're in the traffic lane? 22 A. Yes. 23 Q. Are there cars behind you, like, 24 backing -- 25 A. No.</p>	<p style="text-align: right;">Page 112</p> <p>1 Thomas M. Moroughan 2 it in reverse, slammed on the gas. I went 3 in reverse about three or four car 4 lengths, and the guys were charging at my 5 car. The two guys were charging at my 6 car. I could just tell they were just 7 drunk, like, just completely out of their 8 minds. 9 And I went in reverse three or four 10 car lengths. I went -- I put it in drive. 11 I turned the wheel to the left to make a U 12 turn to go south on Oakwood Road. And as 13 soon as I put the car in drive, is when I 14 heard the shots. 15 Q. When you -- I think you were 16 saying that you put your car in reverse 17 and you went three or four car lengths. 18 And at that point, you're further, 19 obviously, away from these cars, like four 20 lengths? 21 A. Yeah. They were coming towards my 22 car. 23 Q. Now, coming towards your car, 24 meaning on foot? 25 A. Yes.</p>
<p style="text-align: right;">Page 111</p> <p>1 Thomas M. Moroughan 2 Q. -- like, you know, stopped, 3 waiting for you to get out of the way? 4 A. No. 5 Q. Is there anybody behind you? 6 A. No. 7 Q. So there's no car behind you at 8 all? 9 A. No. 10 Q. So he's to the right of your car, 11 then? 12 A. Yes. 13 Q. And he opens his car door, and 14 you've already got your car door open. 15 Now what happens? He said -- what 16 did he say? 17 A. "I'll show you what my fucking 18 problem is." 19 Q. Okay. 20 A. The guy in the blue Acura also 21 steps out of his car, when he sees the 22 white Infiniti get out of his car. 23 I -- at that point in time, I had 24 realized that I was dealing with two 25 people, and I got back into the car, put</p>	<p style="text-align: right;">Page 113</p> <p>1 Thomas M. Moroughan 2 Q. And they were two males? 3 A. Yes. 4 Q. Did you see any females? 5 A. Yes. There were females inside 6 the passenger seat of their white 7 Infiniti. I didn't see inside the blue 8 Acura. 9 Q. So the females stayed inside the 10 car? 11 A. Yes. 12 Q. So the guys that you say that were 13 charging at you were two males? 14 A. Yes. 15 Q. Now, were they in the same lane 16 that you were in, meaning the traffic 17 lane, or are they someplace else as they 18 are coming toward your car? 19 A. They were closer -- they were, 20 like, towards their cars, like, on the 21 side of their cars. 22 Q. So they would be to the right of 23 your car? 24 A. Yes. The right side of my car, 25 yes.</p>

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<p style="text-align: right;">Page 114</p> <p>1 Thomas M. Moroughan 2 Q. Right side of your car, coming at 3 your car; and you're going in reverse? 4 A. Yes. 5 Q. Now, as you're going in reverse, 6 at some point, you stopped your car, 7 right? 8 A. Yes, just to put it in drive. 9 Q. So you stopped your car to put it 10 in drive. 11 And when you stopped your car to put 12 it in drive, where are they? 13 A. They're still coming towards my 14 car, probably about -- maybe two car 15 lengths. 16 Q. Are they running, are they 17 walking, or what are they doing? 18 A. They're walking. 19 Q. They're walking. 20 A. Coming at me, probably 21 speed-walking -- really, like a jog -- not 22 a jog, but walking fast towards my car. 23 Q. And do you know which one was 24 closest to the sidewalk and which one was 25 closest to the street?</p>	<p style="text-align: right;">Page 116</p> <p>1 Thomas M. Moroughan 2 right? 3 A. Yes. Yes. 4 Q. At this point, did you hear 5 anything about, you know, cop or police or 6 anything like that? 7 A. No. 8 Q. And at this point, did you see 9 anything in either of their hands? 10 A. No. 11 Q. Now, at this point, when you say 12 you put your car in drive, when you put 13 your car in drive, did your car move 14 forward in drive? 15 A. Possibly, but no more than a foot; 16 foot, or two, at the most. 17 Q. Well, did it go a foot or two at 18 the most, or did it go in drive at all? 19 A. Went in drive. 20 Q. And it went a foot or two, at the 21 most? 22 A. Yes. 23 Q. And the purpose of it going in 24 drive, you say, was to make a U turn? 25 A. Make a U turn.</p>
<p style="text-align: right;">Page 115</p> <p>1 Thomas M. Moroughan 2 MR. GRANDINETTE: Objection as to 3 form. He never said anyone was in the 4 street. 5 Answer the question the best you 6 can, where these people were. 7 A. Both about even. The guy in the 8 white Infiniti was closer to my car. They 9 were both on the same -- probably the same 10 feet amount away from, let's say, the 11 sidewalk, but they were -- the white 12 Infiniti, because it was parked behind the 13 blue Acura, he was a few feet ahead of -- 14 Q. So they weren't side by side, 15 then? 16 A. They weren't side by side. 17 Q. So the guy in the Infiniti is 18 actually closer? 19 A. Yes. 20 Q. But they're both approaching your 21 car? 22 A. Yes. 23 Q. Now, when you stopped your car and 24 you put your car in drive, they're 25 continuing to walk towards your car,</p>	<p style="text-align: right;">Page 117</p> <p>1 Thomas M. Moroughan 2 Q. So you wanted to make a U turn 3 going to your left -- 4 A. Yes. 5 Q. -- as you're the driver? 6 A. Yes. 7 Q. And your door is closed at this 8 point, because you're back in the car? 9 A. Yes. 10 Q. Because you had told me the door 11 was open before? 12 A. Yes. 13 Q. So you're back in the car and the 14 door is closed? 15 A. Yes. 16 Q. So you want to go to your left, 17 right? 18 A. Yes. 19 Q. What prevented you from continuing 20 to go in reverse? 21 MR. GRANDINETTE: Objection to the 22 form, but you can answer the question. 23 A. I wouldn't drive in reverse too 24 far. One, it's not as safe as driving 25 forward, because you have better grip on</p>

30 (Pages 114 - 117)

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1 Thomas M. Moroughan
2 what you're seeing and what you're doing
3 when you're going forward than when you're
4 in reverse. And it's illegal to drive in
5 reverse more than would be necessary to --
6 Q. When you put the car in drive --
7 from what you're telling me, there are
8 people coming toward your car, right?
9 A. Yes.
10 Q. So when you put your car in drive,
11 you're now making that distance between
12 you and them shorter, right?
13 MR. GRANDINETTE: Objection to the
14 form.
15 Q. Am I correct?
16 A. By making a U turn, I would be
17 getting away from those people.
18 Q. Yes.
19 Once you made the U turn, correct?
20 A. Yes.
21 Q. Let me just see if I can show you
22 a map -- and I don't know if this helps us
23 or not -- that I printed out. And I'll
24 ask the reporter to look at this, and
25 perhaps we can use this as a visual aid.

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1 Thomas M. Moroughan
2 MR. FERGUSON: Can you just mark
3 that, please.
4 (Respondent's Exhibit 9, map, was
5 marked for identification)
6 MR. GRANDINETTE: I just need a
7 break for two seconds.
8 (Witness and his attorney leave
9 the room)
10 (Recess taken)
11 Q. Would you look at that exhibit
12 there, which is a map. It looks like it
13 says -- on the bottom, I think it says
14 "Google" there?
15 A. Yes.
16 Q. And it's been marked as Exhibit 9.
17 And do you see on there West 19th
18 Street on that map?
19 A. Yes.
20 Q. And do you also see Oakwood Drive?
21 A. No. I see Oakwood Road.
22 Q. Do you see Oakwood Road?
23 A. Yes.
24 Q. And do you see Tippin Drive?
25 A. Yes.

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1 Thomas M. Moroughan
2 Q. And do you see the area on that
3 map where this incident occurred?
4 A. Yes.
5 Q. And would that be between West
6 19th and Tippin?
7 A. Yes.
8 Q. On Oakwood, right?
9 A. Yes.
10 Q. And I believe you told us earlier
11 that the car, the blue Acura, was parked
12 in front of the white Infiniti, and they
13 were closest to Tippin Drive, right?
14 A. Yes.
15 Q. And you made the turn off West
16 19th, and that's when you pulled alongside
17 the white Infiniti, right?
18 A. Correct.
19 Q. And then, when you put your car in
20 reverse, you're going back towards West
21 19th, right?
22 A. Correct.
23 Q. Okay.
24 A. Well, that's when I was attempting
25 to make the U turn, correct.

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1 Thomas M. Moroughan
2 Q. Well, you did make a U turn.
3 Didn't you make a U turn?
4 A. No.
5 Q. You never made a U turn?
6 A. Not at that time.
7 Q. Well, when you backed your car up
8 to make a U turn, I think you told me then
9 you put it into drive for a foot or two,
10 and you made a U turn.
11 A. I was trying to make a U turn
12 before, but then the shots were fired.
13 Q. Okay. But did you make a U turn?
14 A. No.
15 Q. So you never made the U turn?
16 A. No.
17 Q. Okay. Thank you.
18 Then you left that area, going in
19 which direction?
20 A. After being shot?
21 Q. Yes.
22 A. I backed up, because the attacker
23 was -- had my driver's door open, and he
24 was punching my face. I didn't know where
25 anybody else was, and I knew I was shot,

<p style="text-align: right;">Page 122</p> <p>1 Thomas M. Moroughan 2 and that car, if you look at the pictures, 3 has a rearview -- has a navigation system 4 which also has a rearview camera. I felt 5 it was safer for me to keep my head under 6 the dashboard and go in reverse. So I 7 reversed about another five or six car 8 lengths, and I swung the car around in 9 reverse to, I would say my left, to 10 make -- to turn around to be able to go 11 down West 19th Street -- to make a left 12 onto West 19th Street. 13 Q. So you went down West 19th Street? 14 A. Yes. 15 Q. But originally, you were north of 16 West 19th Street, right, when this 17 happened? 18 A. Yes. 19 Q. So you had to get your car back to 20 West 19th Street by going in reverse, 21 right? 22 A. Yes. 23 Q. And then you turned into West 19th 24 Street? 25 A. No. I spun the car around to --</p>	<p style="text-align: right;">Page 124</p> <p>1 Thomas M. Moroughan 2 white Infiniti? 3 A. Yes. 4 Q. Where was he at that time? 5 A. He was to the right side of me, 6 about two or three car lengths in front. 7 Q. And when you say the right side of 8 you, was he to the right of your vehicle? 9 A. Well, to the direction of my 10 vehicle, yes. 11 Q. Or was he in front of where your 12 girlfriend would have been sitting? 13 That's my question. 14 I mean, is he to the right of the 15 vehicle, or is he -- 16 A. No. He was -- he would be 17 behind -- 18 Q. -- just to the right of you? 19 A. -- in the shoulder. I was -- he 20 was in the shoulder; I was in the driving 21 lane. So, no, he was not in a direct -- 22 MR. GRANDINETTE: I'm going to -- 23 MR. FERGUSON: Wait a second. 24 You're interrupting the answer. 25 MR. GRANDINETTE: I know.</p>
<p style="text-align: right;">Page 123</p> <p>1 Thomas M. Moroughan 2 Q. Into West 19th Street? 3 A. To be facing southbound on Oakwood 4 Road to make the left onto West 19th 5 Street. 6 Q. Right. And then you went down 7 West 19th Street? 8 A. West 19th Street. 9 Q. And that would be in which 10 direction? 11 A. East. 12 Q. Opposite from when you originally 13 came? 14 A. Yes. 15 Q. Now, when you told me earlier that 16 you had put the car into drive to make -- 17 to go to your left to make a U turn to go 18 south, that's when you say the shots were 19 fired? 20 A. Yes. 21 Q. And did you see the shots fired? 22 A. Yes. 23 Q. Did you see who fired the shots? 24 A. Yes. 25 Q. Who was that? The guy in the</p>	<p style="text-align: right;">Page 125</p> <p>1 Thomas M. Moroughan 2 MR. FERGUSON: The court reporter 3 can't take it down when two people are 4 speaking at once. Why don't we go back 5 to the question and answer before 6 we -- 7 MR. GRANDINETTE: Well, because 8 I'm going to point my objection. 9 MR. FERGUSON: Yeah, but you're 10 interrupting the witness's answer. 11 MR. GRANDINETTE: I'm not. I'm 12 placing an objection on the record. 13 MR. FERGUSON: Yeah, but you do 14 that after the answer, not during the 15 answer. 16 MR. GRANDINETTE: We have people 17 moving, we have cars moving; and I 18 want you -- if you're going to ask him 19 exactly when and where the person was 20 when the shooting occurred, which shot 21 you're referring to. 22 And if you know, to the best of your 23 ability -- I want you to pay attention 24 to -- 25 THE WITNESS: I am.</p>

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1 Thomas M. Moroughan
2 MR. GRANDINETTE: -- the exact
3 question, okay, and you give -- if you
4 can, give an estimate of where he was,
5 if you can.
6 Q. When you first noticed that shots
7 were fired, where was your car?
8 MR. GRANDINETTE: Objection to the
9 form.
10 If you know, other than on Oakwood
11 Road, in relation to Tippin.
12 A. Four car lengths away from the
13 rear of the -- from the back of the white
14 Infiniti. But it was not directly in
15 front of me. They were on the shoulder.
16 I was in the turning lane. They were
17 walking behind their vehicles, towards my
18 car. So when the shots came in -- when
19 the shots were fired, he was on a right
20 angle from where I was going. If I was
21 going straight, he would be to the
22 right-hand side of me, about 50, maybe
23 60 feet, somewhere around there.
24 MR. GRANDINETTE: Don't guess.
25 A. I don't know. I don't know.

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1 Thomas M. Moroughan
2 Somewhere around two or three car lengths
3 away from me.
4 Q. What I was trying to determine
5 was, when you're saying he's to your
6 right, is he to the right of your car? In
7 other words, he's to the right of where
8 the front right of your car would be, or
9 are you saying he's just to the right of
10 you but still in front of your car?
11 MR. GRANDINETTE: If you know.
12 A. To the right of my car.
13 Q. At the time that you realized that
14 there was gunshots, where was the guy from
15 the blue Acura?
16 MR. GRANDINETTE: If you know.
17 MR. FERGUSON: What do you mean,
18 "if you know"? I'm asking the person
19 who was there. I'm not asking
20 somebody else.
21 MR. GRANDINETTE: Because you're
22 asking him questions about specific
23 locations, which I don't think you
24 established that he knew where the
25 other --

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1 Thomas M. Moroughan
2 MR. FERGUSON: So then he's got to
3 say, "I don't know."
4 MR. GRANDINETTE: And that's what
5 I'm saying.
6 If you know; don't guess.
7 A. I can't recall where the guy from
8 the blue Acura was standing at the time.
9 I was looking at the guy who was shooting
10 at me.
11 Q. Now, the person that was shooting
12 at you, was he moving towards you, or was
13 he stationary, or something else?
14 A. He was stationary.
15 Q. Was he, like, in a crouched
16 position, or was he in a standing
17 position, or something else?
18 A. In a standing position.
19 Q. So he was standing straight up?
20 A. Yes.
21 Q. Do you know how many shots he was
22 firing?
23 A. He was -- he fired about five
24 shots.
25 Q. And did you -- you felt yourself

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1 Thomas M. Moroughan
2 hit?
3 A. Yes.
4 Q. You felt it immediately? You knew
5 where you were hit?
6 A. Yes.
7 Q. Do you know where you were hit
8 first?
9 A. No. Everything happened so fast,
10 I didn't -- I didn't know exactly where I
11 was hit first.
12 Q. When the shots were being fired,
13 was your car moving or was it stationary?
14 A. It was moving.
15 Q. It was moving?
16 A. Yes.
17 Q. And was it moving in reverse?
18 A. It was moving forward.
19 Q. It was moving forward.
20 A. Once he started shooting and I
21 realized what was going on, I slammed on
22 the brake out of, I guess, natural
23 response.
24 Q. So my question was: When he was
25 firing the shots, was your car moving or

<p style="text-align: right;">Page 130</p> <p>1 Thomas M. Moroughan 2 was it stationary? 3 MR. GRANDINETTE: Objection. If 4 there's a series of shots, it could 5 have been more than one. 6 But to the best of your 7 recollection, answer the question, if 8 you can. 9 A. I would say the best answer I can 10 give to that question would be that, when 11 the shots started, I was -- I was still 12 moving. I would say, right after he 13 finished the series of shots, I was 14 probably stopped. 15 Q. Now, when the shots were fired, 16 were they in rapid succession, or was 17 there a time period in between them? 18 A. They were rapid. 19 Q. Rapid succession. 20 One right after the other? 21 A. Yes. 22 Q. So at that point, is your car 23 moving or is it stationary? 24 A. Still moving. 25 Q. In which direction is it moving?</p>	<p style="text-align: right;">Page 132</p> <p>1 Thomas M. Moroughan 2 MR. FERGUSON: Please give me the 3 last question. 4 (Record was read back) 5 A. I want to clarify, actually, for 6 the record. 7 The five shots that -- I wasn't 8 actually counting the shots. I know it 9 was five shots from the forensic report in 10 which we received -- which I received 11 later on. So my actual knowledge of it 12 being five shots is based upon that, not 13 based upon my recollection. 14 MR. FERGUSON: What was the 15 question? 16 (Record was read back). 17 MR. FERGUSON: You can delete the 18 word "five" if you want. You can say, 19 "After the shots were fired" -- what 20 was the rest of the question? 21 Q. What happened next? 22 A. The guy from the white Infiniti 23 approached the driver's side of my 24 vehicle. He busted open the driver's 25 window with the butt of his gun. He then</p>
<p style="text-align: right;">Page 131</p> <p>1 Thomas M. Moroughan 2 A. It's still moving over towards the 3 left, that I was still in the position to 4 be able to make the U turn. 5 Q. So your car was moving -- it was 6 turning to the left? 7 A. Yes. 8 Q. And he's shooting from the right 9 side? 10 A. Yes. But I was moving at a 11 very -- I never really got to step on the 12 gas, really, before he started shooting. 13 So it was more like the car was coasting 14 instead of being accelerated. 15 Q. And then, after the five shots 16 were fired in rapid succession, what 17 happened then? 18 MR. GRANDINETTE: I'm going to ask 19 for a recess again. Give me a minute. 20 We might as well move. I ask for a 21 recess. 22 MR. FERGUSON: Where do you want 23 to move? 24 (Discussion off the record) 25 (Recess taken)</p>	<p style="text-align: right;">Page 133</p> <p>1 Thomas M. Moroughan 2 struck me in the face with the butt of the 3 gun, proceeded to open up my car door. He 4 was -- reached over me; he was punching me 5 in my face. 6 At that time, I'm -- I get the car 7 into reverse, I step on the gas, and I 8 back up to drive away. And then I swung 9 myself around and drove away, and drove 10 myself to the emergency room. 11 Q. At this -- 12 A. He was just swinging away. Like, 13 he punched me in my face at least ten 14 times. 15 Q. As of this time, did you have any 16 knowledge that this person was a police 17 officer? 18 A. No. 19 Q. Had this person said that they 20 were a police officer? 21 A. No. 22 Q. Had -- this person was wearing 23 anything that indicated that they were a 24 police officer? 25 A. No.</p>

34 (Pages 130 - 133)

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1 Thomas M. Moroughan
2 Q. How about the guy in the other
3 car, the blue Acura?
4 A. No. No. I thought he was just
5 some drunken, crazed maniac.
6 Q. Right. And you thought the guy
7 that broke the window with the gun was a
8 drunken, crazed maniac?
9 A. Yes.
10 Q. And at that time, you felt that
11 you had done nothing wrong, correct?
12 A. Yes.
13 Q. And then you turned your car
14 around, I guess, right, and you went down
15 West 19th Street.
16 Is that what you said?
17 A. When I turned my car around, I
18 heard him yelling, "Stop, stop."
19 I drove away. And as soon as I got
20 onto West 19th Street, my girlfriend calls
21 911, stating that I was shot and that we
22 were driving to the emergency room.
23 I called my company and told them
24 that I had been shot, and drove myself to
25 the hospital.

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1 Thomas M. Moroughan
2 Q. How far was that?
3 A. About two and a half, three miles.
4 MR. FERGUSON: We'll mark this --
5 you know, we'll just mark it, okay?
6 THE WITNESS: Okay.
7 MR. FERGUSON: We're going to mark
8 that, and I guess you can mark that.
9 (Respondent's Exhibits 10-13,
10 photographs, were marked for
11 identification)
12 Q. Did a gun end up in the back of
13 your cab?
14 A. Yes.
15 Q. As far as you know, was that the
16 gun that the guy hit your driver's side
17 window with?
18 A. From -- yes. From the forensic
19 report, yes.
20 Q. Do you have a forensic report?
21 A. Not with me. I know we have one.
22 THE WITNESS: I don't know if you
23 have the forensics report.
24 Q. But you have a forensic report?
25 A. Yes. I have a copy of it.

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1 Thomas M. Moroughan
2 Q. Looking at Exhibit Number 10, does
3 that look like the Infiniti?
4 A. Looks like it.
5 MR. GRANDINETTE: Do you know if
6 this is the car, as opposed to any
7 other car?
8 THE WITNESS: It could be any
9 white Infiniti. I don't know that's
10 the picture of their car, but it is a
11 resemblance to the car.
12 Q. Looking at Exhibit Number 13, do
13 you see -- do you recognize what's shown
14 in that exhibit?
15 A. It looks like the white Infiniti,
16 the blue Acura; and it looks like the
17 corner of Tippin and Oakwood Road.
18 Q. This looks like the area where the
19 cars were parked --
20 A. Yes.
21 Q. -- on the right side, right?
22 A. Yes.
23 Q. And in the picture there,
24 actually, on one corner you can see a
25 street sign, right?

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1 Thomas M. Moroughan
2 A. Yes.
3 Q. And you think that might be
4 Tippin?
5 A. Yes.
6 Q. And would this be consistent --
7 showing this photograph, which is
8 Exhibit 13, consistent with where you saw
9 the vehicles when you turned onto this
10 Oakwood -- I forget -- I think you said
11 from 19th Street?
12 A. Correct.
13 Q. And then, that would have been
14 where the Infiniti was when you pulled
15 alongside it, right?
16 A. Correct.
17 Q. And would you say the same thing
18 about Exhibit Number 12?
19 A. Yes.
20 MR. GRANDINETTE: Just so I
21 understand, are you saying that when
22 the events that you described when you
23 first pulled up, that these were the
24 approximate locations of these
25 vehicles?

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1 Thomas M. Moroughan
2 THE WITNESS: Yes.
3 MR. GRANDINETTE: Do you know if
4 they were moved -- do you know if
5 these cars were moved, or are you just
6 saying, in general, they were in this
7 proximity?
8 THE WITNESS: They were in that
9 proximity, in general. I was not
10 there the whole time. I could not
11 tell you if they were moved.
12 MR. GRANDINETTE: But generally
13 speaking, they were in that proximity.
14 THE WITNESS: Yes.
15 Q. And how about Exhibit Number 11?
16 Would you say this was approximately the
17 location where the Infiniti was parked
18 alongside the road, Oakwood -- I don't
19 remember whether it's Road or Drive --
20 that morning, when you turned onto
21 Oakwood?
22 MR. GRANDINETTE: It's a little
23 tough to tell, but -- if you can tell.
24 Don't guess. That's a tough picture
25 to --

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1 Thomas M. Moroughan
2 THE WITNESS: It is.
3 A. It looks like the corner.
4 Q. It looks like approximately where
5 the Infiniti was parked when you pulled
6 alongside?
7 A. Approximately.
8 Q. And would you say the same thing
9 about --
10 MR. FERGUSON: Well, I'm going to
11 have to have these marked. I didn't
12 realize they weren't marked. I don't
13 want to be here all day, so we'll just
14 mark two of them.
15 (Respondent's Exhibits 14 and 15,
16 photographs, were marked for
17 identification)
18 Q. Now, Mr. Moroughan, again, I'm
19 going to show you Exhibit Number 14; and,
20 again, you're going to -- you'll look at
21 it and tell me if this substantially and
22 accurately depicts the way the area looked
23 at the time of the incident on
24 February 27, 2011. I think, in this
25 photograph, you'll see, probably, in the

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1 Thomas M. Moroughan
2 background, it looks like a police car and
3 probably a yellow line, which obviously
4 wasn't there at the time.
5 But other than that, I'm asking you
6 if that substantially and accurately looks
7 the way it did when you were there when
8 the incident occurred.
9 A. Yes.
10 Q. And lastly, the same question
11 about Exhibit Number 15.
12 A. Yes.
13 Q. Now, I know you told us you went
14 to Huntington Hospital, and about the
15 phone calls that were made en route.
16 And when you got to the hospital,
17 you were treated in the emergency room, I
18 take it?
19 A. Yes.
20 Q. And you drove to the hospital?
21 A. Yes.
22 Q. Did I ask you about how far away
23 that was?
24 A. About three or four miles.
25 Q. Now, at the hospital, I take it,

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1 Thomas M. Moroughan
2 you were interviewed by some police
3 officers, correct?
4 A. Correct.
5 Q. Did you sign a statement that day,
6 in the hospital -- that morning, in the
7 hospital?
8 A. Yes.
9 Q. Now, these notes, the notes here
10 that have been marked as Exhibit 8,
11 they're three pages, and these are your
12 notes, right?
13 A. Yes.
14 Q. Now, the notes here, as you start,
15 they seem to go in time-wise chronological
16 order. On page -- well, the pages aren't
17 numbered, but we'll call it Page 1, which
18 has the exhibit sticker "Respondent's
19 8" -- we'll call that Page Number 1.
20 And that has times on it, in
21 chronological order, correct?
22 A. Correct.
23 Q. Now, the time on here that you
24 start with is 1:25 a.m.; and then it says,
25 parentheses, "around."

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1 Thomas M. Moroughan
2 Is that what you wrote, "around"?
3 A. Yes.
4 Q. Meaning approximately 1:25 a.m.?
5 A. Yes.
6 Q. Now, you didn't make any notes
7 whatsoever before 1:25 a.m. --
8 A. No.
9 Q. -- about any events that happened
10 before 1:25 a.m.?
11 A. No.
12 Q. Did your attorney tell you just to
13 start at the time you got to the hospital?
14 A. No. He told -- no.
15 Q. Was there any reason why you
16 didn't record any notes concerning events
17 that occurred before 1:25 a.m.?
18 A. Because it was the scariest moment
19 in my life. I remember every second of
20 it. I don't need help. The actual events
21 of what happened on the scene.
22 Q. So your note here on Page 1
23 says -- looks like it says, "1:30, first
24 cop gets to hospital. 2:00 o'clock,
25 Risco" -- is that R-I-S-C-O?

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1 Thomas M. Moroughan
2 A. Yes.
3 Q. -- "shows."
4 And who is Risco?
5 A. Risco is my godmother, like a
6 second mom. When I got put in foster
7 care, she would take me on the weekends
8 and on holidays. I grew up with her
9 daughters across the street. I called her
10 because -- well, I had someone call her --
11 sorry. I had someone call her, because
12 she's always been there for me. She's my
13 security. And with being shot and
14 everything that was going on, I wanted
15 someone there who kind of knows what to do
16 and how to say things. Her being an ADA
17 in Nassau County -- I felt she was the
18 best person I know to be there for me.
19 Q. So she came around 2:00 o'clock?
20 A. 2:15ish. Those are approximate.
21 Like I said, I wasn't looking at a clock.
22 It's based on --
23 Q. And then you wrote "2:30,
24 Nassau" -- it looks like "Nassau
25 detectives come in"?

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1 Thomas M. Moroughan
2 A. Yes.
3 Q. Do you know who that was?
4 A. No.
5 Q. And then "2:40, doctors tell" -- I
6 guess it's "detectives to leave"?
7 A. Yes.
8 Q. And "3:30, doctors leave;
9 detective come back"?
10 A. Yes.
11 Q. Is that correct?
12 A. Yes.
13 Q. And all this time, you're
14 remaining in the emergency room?
15 A. Yes.
16 Q. And "4:00 o'clock, DTS" -- meaning
17 detectives -- "leave"?
18 A. Yes.
19 Q. Was that the Nassau detectives?
20 A. Yes.
21 Q. And then, 7 -- it looks like "7,
22 Suffolk detectives come in"?
23 A. Yes.
24 Q. Is that correct?
25 A. Yes.

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1 Thomas M. Moroughan
2 Q. Was that the first time you -- as
3 far as you know, you saw detective from
4 Suffolk, was at 7?
5 A. Yes.
6 Q. And during this time, you remained
7 in the same location in the emergency
8 room?
9 A. Yes.
10 Q. And you --
11 A. No. I mean, I had to go get
12 X-rays and stuff of that nature. But for
13 the most part, yes.
14 Q. Where did you have to go for
15 X-rays?
16 A. The X-ray room.
17 Q. It's on the same floor?
18 A. Yes.
19 Q. How did you get there?
20 A. I walked.
21 Q. And you walked back?
22 A. Yes.
23 Q. And was there anyplace else you
24 had to go besides X-ray?
25 A. No.

<p style="text-align: right;">Page 146</p> <p>1 Thomas M. Moroughan 2 Q. And then, "8:00 o'clock" -- what 3 does that say? 4 Is that "Go to precinct"? 5 A. Yes. 6 Q. So you left the hospital at 7 o'clock? 8 A. Around 8:00 o'clock, yes. 9 Q. And how did you go to the 10 precinct? 11 A. I was driven by two uniformed 12 police officers. 13 Q. Now, it says -- does this say, 14 "Crying from 2 to 8"? 15 A. Yes. 16 Q. What does that mean? 17 A. Just a note of time-wise -- I kept 18 asking -- the whole time I was in the 19 hospital, I kept -- once Risco showed up, 20 I kept referring to her as my lawyer and 21 screaming and crying for my lawyer, and 22 they kept denying me access to Risco, even 23 though she wasn't a witness. 24 Q. When it says "Cops lying" -- is 25 that what that says? Is that the last</p>	<p style="text-align: right;">Page 148</p> <p>1 Thomas M. Moroughan 2 continued to ask because of the ongoing 3 way everything was handled. And they kept 4 saying they don't know, they don't know. 5 So, in my eyes, yes, they were lying from 6 the time I started asking at 2:30 until 7 8:00 o'clock. 8 Q. Because you felt that they did 9 know? Is that what you mean? 10 A. Yes. 11 Q. Did you -- did the officers that 12 were involved in the cars -- did you see 13 either of them at the hospital -- I mean, 14 in the white Infiniti or the blue Acura? 15 A. No. 16 Q. And do you know if the detectives, 17 the Nassau detectives that you're 18 referring to here at 2:30 -- do you know, 19 of your own knowledge, whether these 20 detectives had been to the scene of the 21 shooting? 22 A. No. 23 Q. You don't know that? 24 A. No. 25 Q. And do you know if these</p>
<p style="text-align: right;">Page 147</p> <p>1 Thomas M. Moroughan 2 entry there? 3 A. Yes. 4 Q. Now, after that, is that a "2:30" 5 or a "2"? 6 A. 2:30. 7 Q. 2:30. 8 That's 2:30 to 8? 9 A. Yes. 10 Q. So that -- 11 A. I kept asking -- I saw -- well, 12 the first thing I found unusual was that 13 Nassau detectives were asking me 14 questions, seeing how it was Suffolk 15 County. 16 There was a bunch load of police 17 officers in the emergency room of both 18 uniforms, Suffolk and Nassau. I felt it 19 was very unusual, and I asked them if this 20 guy who shot me was a cop. 21 Q. You asked that to the detectives? 22 A. I asked the detectives, and they 23 said, "We don't know. We're checking it. 24 They're looking into everything." 25 And it was something that I</p>	<p style="text-align: right;">Page 149</p> <p>1 Thomas M. Moroughan 2 detectives, the Nassau detectives at 3 that you wrote here, had interviewed the 4 people who were involved in this 5 altercation with you? 6 A. No. 7 Q. Do you know if, amongst the people 8 that were in the hospital, that you 9 mentioned, if there were any union people 10 there for the police, police union people? 11 A. Not that I know of. 12 Q. You don't know. Okay. 13 Now, later on, there was detectives 14 there from Suffolk, right? 15 A. Yes. 16 Q. And to the Suffolk detectives, you 17 had signed a statement; am I right? 18 A. Correct. 19 Q. That's -- we'll get to it in a 20 minute. Let's see if I can get a clean 21 copy here. And I guess it's three pages. 22 MR. FERGUSON: Can you mark that, 23 please. 24 (Respondent's Exhibit 16, statement, 25 was marked for identification)</p>

38 (Pages 146 - 149)

<p>Page 150</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. I'll show you this three-page</p> <p>3 document which has been marked as</p> <p>4 Exhibit 16, sir, and ask you to look at</p> <p>5 it.</p> <p>6 And have you seen that before?</p> <p>7 A. Yes.</p> <p>8 MR. FERGUSON: Let's call it a</p> <p>9 statement.</p> <p>10 Q. And did you see that on the</p> <p>11 morning of February 27, 2011, when you</p> <p>12 were in the hospital?</p> <p>13 A. Yes.</p> <p>14 Q. And did someone write that</p> <p>15 statement, to your knowledge?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know who wrote it?</p> <p>18 A. A detective.</p> <p>19 Q. Do you know which detective?</p> <p>20 A. Detective Lesser.</p> <p>21 Q. Lesser.</p> <p>22 And did he ask you to sign it?</p> <p>23 A. Yes.</p> <p>24 Q. Did you sign it?</p> <p>25 A. Yes.</p>	<p>Page 152</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. Did you read this statement?</p> <p>3 A. No.</p> <p>4 Q. Did you read it before you signed</p> <p>5 it?</p> <p>6 A. No.</p> <p>7 Q. Have you ever read it?</p> <p>8 A. Yes.</p> <p>9 Q. Is it true?</p> <p>10 A. No.</p> <p>11 Q. And what in it -- what part of it</p> <p>12 is not true?</p> <p>13 A. Well --</p> <p>14 MR. GRANDINETTE: Objection. I'll</p> <p>15 object to the form of the question,</p> <p>16 since he said that the statement isn't</p> <p>17 true. But --</p> <p>18 MR. FERGUSON: Well, I can go line</p> <p>19 by line if you want me to go line by</p> <p>20 line. I mean, I don't care.</p> <p>21 MR. GRANDINETTE: Why don't you</p> <p>22 ask him if anything in it is true.</p> <p>23 Maybe that's --</p> <p>24 MR. FERGUSON: No. That's not my</p> <p>25 question.</p>
<p>Page 151</p> <p>1 Thomas M. Moroughan</p> <p>2 Q. And is your signature on it?</p> <p>3 A. Yes.</p> <p>4 Q. Is it on every page?</p> <p>5 A. Yes.</p> <p>6 Q. Is it on the bottom of the page?</p> <p>7 A. Yes.</p> <p>8 Q. And then, did you sign it in the</p> <p>9 hospital on the morning of February 27th</p> <p>10 at around 700 hours, as it indicates?</p> <p>11 A. Yes.</p> <p>12 Q. Now, above that, there is a</p> <p>13 section that says, "Your Rights," and</p> <p>14 there is -- excuse me -- one, two, three,</p> <p>15 four questions, and then there is "Waiver</p> <p>16 of Rights," and then there's two -- number</p> <p>17 1 and number 2, and there's a space for an</p> <p>18 answer.</p> <p>19 Are those your initials on those six</p> <p>20 lines, numbers 1 through 4, and then</p> <p>21 number 1 and 2?</p> <p>22 A. Yes.</p> <p>23 Q. Did you put them there on the</p> <p>24 morning of the 27th of February, 2011?</p> <p>25 A. Yes.</p>	<p>Page 153</p> <p>1 Thomas M. Moroughan</p> <p>2 A. (Witness reviews document.)</p> <p>3 MR. GRANDINETTE: Give us a</p> <p>4 second.</p> <p>5 (Witness and his attorney leave</p> <p>6 the room while there's an open</p> <p>7 question)</p> <p>8 MR. FERGUSON: You want the</p> <p>9 question read back?</p> <p>10 THE WITNESS: Sure. I think he</p> <p>11 was still objecting.</p> <p>12 MR. GRANDINETTE: Have the</p> <p>13 question read back. I have an</p> <p>14 objection, but listen to the question</p> <p>15 again.</p> <p>16 (Record was read back)</p> <p>17 Q. What part of it is not true?</p> <p>18 MR. GRANDINETTE: Objection.</p> <p>19 Q. So what part of it is not true?</p> <p>20 A. The statement is not what I told</p> <p>21 Officer Lesser. I mean, some portions of</p> <p>22 it could be factual, but the majority of</p> <p>23 it isn't. I never drove at the cop. I</p> <p>24 never accidentally put the car in drive,</p> <p>25 trying to get in reverse, like it states.</p>

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<p style="text-align: right;">Page 154</p> <p>1 Thomas M. Moroughan 2 Q. When you say "like it states," let 3 me just -- let me ask you this -- 4 MR. GRANDINETTE: Well, are you 5 done with your question -- are you 6 done with your answer? Did you finish 7 your answer? 8 THE WITNESS: Yes. 9 Q. Well, on the first page, when you 10 say -- like it states, on the first 11 page -- is there anything on the first 12 page there, which starts -- I'm not 13 talking about the rights now. I'm talking 14 about where it says, "I, Tom Moroughan," 15 starting from there, "being duly sworn, 16 deposes and says." 17 Is there anything on those about 18 eight lines that follow that, that is not 19 true? 20 A. Yes. 21 Q. What is that? 22 A. "My shift started with me having a 23 bad day and there was a lot of traffic and 24 I wasn't making lights." 25 I wouldn't put that in there. It</p>	<p style="text-align: right;">Page 156</p> <p>1 Thomas M. Moroughan 2 date of birth. I would say that's it for 3 this page. 4 Q. Moving on to Page 2, starting with 5 the beginning, where it says the word 6 "annoyed," then "flashed my high beams at 7 him." 8 You see that? 9 A. Yes. 10 Q. Starting from there, is there 11 anything on that page that is not true? 12 MR. GRANDINETTE: Same objection. 13 He stated the whole statement is not 14 true. It's not his statement, and -- 15 is this your statement? 16 THE WITNESS: No. 17 MR. GRANDINETTE: So, then, that's 18 your answer. 19 MR. FERGUSON: You're not 20 answering the questions at this 21 deposition. 22 MR. GRANDINETTE: I know, but -- 23 MR. FERGUSON: I'm entitled to ask 24 him about the statement. 25 MR. GRANDINETTE: Understood. But</p>
<p style="text-align: right;">Page 155</p> <p>1 Thomas M. Moroughan 2 wasn't something that would be a counting 3 factor for me. I mean it's -- driving a 4 taxi, you hit lights; you hit traffic. 5 It's part of the nature of the business. 6 Q. Whether you would put it there or 7 not, is that statement true or false? 8 A. False. 9 Q. Now, anything else on the first 10 page? 11 MR. GRANDINETTE: Again, 12 objection. When you say "anything 13 else on the first page," there's -- of 14 his rights. 15 MR. FERGUSON: No, no. I said 16 below that. 17 MR. GRANDINETTE: Okay. 18 MR. FERGUSON: I said below that. 19 MR. GRANDINETTE: The same -- 20 subject to the same objection, where 21 he said he's not adopting this 22 statement, if you can answer the 23 question any differently than the last 24 time, go ahead. 25 A. The August 17th is wrong for my</p>	<p style="text-align: right;">Page 157</p> <p>1 Thomas M. Moroughan 2 he said it's not his -- 3 MR. FERGUSON: You don't control 4 the answers of this witness. 5 MR. GRANDINETTE: It's not his 6 statement, is what he said. 7 MR. FERGUSON: He signed the 8 statement. We've already went through 9 the foundation -- 10 MR. GRANDINETTE: He did sign the 11 statement, but this isn't -- these 12 aren't his words. 13 MR. FERGUSON: I understand that. 14 So all I'm saying, whose ever words 15 they are -- 16 MR. GRANDINETTE: Right. 17 MR. FERGUSON: -- I don't care 18 whose they are -- I'm just saying, are 19 they true or are they not true, and if 20 not true, what is not true? 21 MR. GRANDINETTE: I think he's 22 answered that they're not true, all of 23 them. 24 MR. FERGUSON: No, he hasn't 25 answered that all of them. We just</p>

40 (Pages 154 - 157)

<p style="text-align: right;">Page 158</p> <p>1 Thomas M. Moroughan 2 went through Page 1. And if you would 3 stop testifying and abide by the rules 4 of the court -- 5 MR. GRANDINETTE: I am. 6 MR. FERGUSON: -- I would 7 appreciate it -- 8 MR. GRANDINETTE: I am. 9 MR. FERGUSON: -- so we can get 10 through with this. 11 MR. GRANDINETTE: I am. I am. 12 Q. So let's go to Page 2. 13 Is there anything on that page that 14 is not true? 15 MR. GRANDINETTE: Same objection. 16 He said the statement is not true. 17 MR. FERGUSON: Would you kindly 18 stop testifying. 19 MR. GRANDINETTE: I'm not 20 testifying. 21 Let's take another break. Step 22 outside. 23 (Witness and his attorney are 24 leaving the room.) 25 MR. FERGUSON: You know, we may</p>	<p style="text-align: right;">Page 160</p> <p>1 Thomas M. Moroughan 2 THE WITNESS: It's not my 3 statement, the whole thing. 4 (Witness and his attorney leave the 5 room) 6 MR. FERGUSON: You know that it is 7 improper, when there is a question, 8 open question, for you to take the 9 witness out of the room before the 10 question is answered. I have not 11 objected to this, but you're 12 continuously doing it and it is 13 improper. 14 MR. GRANDINETTE: Here's my 15 problem with your question. It's that 16 you're asking him to look at a page 17 and say what is wrong with it. I 18 think, if you're going to do this, 19 then you might as well try to go 20 through it a line at a time. And 21 maybe that's the way that we can get 22 past this point, because I have a 23 problem with that very generic 24 question, if he's saying, "This isn't 25 my statement. It was written by the</p>
<p style="text-align: right;">Page 159</p> <p>1 Thomas M. Moroughan 2 have to reach the point, is doing this 3 in court. 4 MR. GRANDINETTE: I know, but -- 5 MR. FERGUSON: If we have to do it 6 in court, we'll do it in court, 7 because what you're doing is improper. 8 MR. GRANDINETTE: I don't think it 9 is. 10 MR. FERGUSON: Yeah. 11 MR. GRANDINETTE: I don't think it 12 is. I think he says this isn't his 13 statement, and then you're asking him 14 to adopt it as his statement. 15 MR. FERGUSON: I didn't ask 16 anybody to adopt anything. We've gone 17 through this -- we've gone through the 18 fact -- this is a statement he signed 19 in the hospital. 20 MR. GRANDINETTE: Right. 21 MR. FERGUSON: I want to know 22 whether it's true or not, and if not, 23 what portions are not true. 24 MR. GRANDINETTE: He's saying it's 25 not true.</p>	<p style="text-align: right;">Page 161</p> <p>1 Thomas M. Moroughan 2 detective, and it's not my statement," 3 and you say, "Well, what's wrong with 4 it?" Why don't you go through the 5 specific questions in the statement 6 itself, the actual language, then. 7 Maybe that's the only way we can do 8 it. 9 MR. FERGUSON: I can conduct the 10 deposition in the manner I see fit -- 11 MR. GRANDINETTE: Okay. 12 MR. FERGUSON: -- and not in the 13 manner in which you want it done. 14 MR. GRANDINETTE: Okay. 15 MR. FERGUSON: Okay? So if you 16 have these continuously ridiculous 17 objections, I'll back up, and maybe 18 we'll establish the necessary 19 foundation and then we'll go to court 20 and we'll do this in court. 21 MR. GRANDINETTE: Okay. 22 BY MR. FERGUSON: 23 Q. Mr. Moroughan, I understand, sir, 24 that this statement, the three-page 25 statement which has been marked here today</p>

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<p style="text-align: right;">Page 162</p> <p>1 Thomas M. Moroughan 2 as Exhibit 16 is not written in your 3 handwriting, correct? 4 A. Correct. 5 Q. Your handwriting does appear on 6 each of the three pages that is -- 7 consists of this Exhibit 16; am I correct? 8 A. Yes. 9 Q. And you signed all three of the 10 pages. 11 We've already been through that, 12 correct? 13 A. Yes. 14 Q. Okay. You also put your initials 15 on Page 1; is that correct? 16 A. Correct. 17 Q. Now, as this Page 3 indicates, 18 this indicates, at the last line on 19 Page 3, that it wasn't written by you; it 20 was written a by a detective, correct? 21 A. Correct. 22 Q. So you never wrote this, right? 23 A. Correct. 24 Q. It's not your handwriting, 25 correct?</p>	<p style="text-align: right;">Page 164</p> <p>1 Thomas M. Moroughan 2 February 27, 2011; I think, on Line 3, it 3 says at about 1:10 or 1:15 a.m., correct? 4 A. What was the question? 5 Q. This statement refers to an 6 incident that you had with two 7 individuals, as we've described here for 8 hours today, one driving an Infiniti and 9 one driving an Acura, and it states that 10 this incident refers to the date of 11 February 27, 2011, at about 1:10 or 12 1:15 a.m., correct? 13 A. Correct. 14 Q. So this document, this three-page 15 document, refers to the incident that you 16 had with the two individuals in which you 17 were shot, as you've already told us 18 today, correct? 19 A. Yes. 20 Q. Now, looking at the three pages 21 here -- actually, two and a half, when you 22 consider that the first page is actually 23 only a half a page -- it refers to the 24 events that happened beginning after 25 or 1:15.</p>
<p style="text-align: right;">Page 163</p> <p>1 Thomas M. Moroughan 2 A. Correct. 3 Q. You signed it, right? 4 A. Correct. 5 Q. You've seen it before, correct? 6 A. Yes. 7 Q. The statement indicates that it 8 was on February 27, 2011; is that correct? 9 A. Correct. 10 Q. And it indicates 0700, correct? 11 A. Yes. 12 Q. And is that about the time that 13 you signed this statement in Huntington 14 Hospital on February 27, 2011? 15 A. Correct. 16 Q. Now, understanding that you did 17 not yourself write the language where it 18 says, beginning on the bottom of Page 1, 19 and, in fact, indicates on the last 20 sentence in Page 3, that it was written by 21 a detective -- understanding that, this 22 document refers to an incident that you 23 had with these other two cars, this 24 Infiniti and this Acura, on the evening -- 25 or early morning hours -- excuse me -- of</p>	<p style="text-align: right;">Page 165</p> <p>1 Thomas M. Moroughan 2 My question to you is: Looking at 3 this statement now, is the statement 4 accurate? And I think you've already said 5 no. 6 A. No. 7 Q. And I think, if it is not 8 accurate, what in it is not accurate? 9 That's my question. 10 MR. GRANDINETTE: Objection to the 11 form. 12 Do the best you can with that. 13 THE WITNESS: Okay. 14 A. One, it's nowhere near like I said 15 anything to the detective. Two, my shift 16 didn't start having a bad day. I was 17 actually in a pretty good mood. I didn't 18 get pissed off or mad -- yes, I mean, I 19 was worrisome. You have these guys that 20 are driving like complete morons around 21 me, and I don't -- I didn't feel safe at 22 certain times during that. But it wasn't 23 making me, you know, pissed off. It was 24 just aggravating. That's why I let the 25 guy go around me.</p>

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<p style="text-align: right;">Page 166</p> <p>1 Thomas M. Moroughan 2 I didn't keep my high beams on them 3 continuously. I didn't rev my engine and 4 drive toward the guy who was standing in 5 the street. He wasn't standing in the 6 middle of the street; two, it's -- the car 7 doesn't rev. 8 Yes, I saw the guy lift up his 9 hands, saw him fire shots. I did feel I 10 was hit, but that's common knowledge of 11 someone who gets shot. 12 I never said that I felt he fired at 13 me to protect himself. I was -- my car 14 was never in direct -- you know, it was 15 never -- he was never in a direct threat. 16 I was never a direct threat to cause him 17 bodily harm. 18 As per the pictures and the forensic 19 report that you guys should have as well, 20 it states that the bullets came in on an 21 angle of a right-hand turn. If I was 22 trying to run somebody over, they would be 23 straight at me, or if the car was going 24 towards that person. So I don't feel, by 25 any means, that he was trying to protect</p>	<p style="text-align: right;">Page 168</p> <p>1 Thomas M. Moroughan 2 the quicker we get this done, the quicker 3 the bad guys get arrested. 4 Q. Now, when you first encountered 5 these cars, it was on that [REDACTED] 6 [REDACTED] when the Acura went in front of 7 you first, and then the Infiniti -- 8 A. [REDACTED] and [REDACTED] 9 [REDACTED] 10 Q. Was it [REDACTED] when you 11 first encountered the Acura, and then the 12 Infiniti was behind you, and then the 13 Infiniti passed you, right? 14 A. Yes. 15 Q. Now, the next time you encountered 16 these cars was on the side of the road, 17 was called -- 18 A. -- [REDACTED]. 19 Q. [REDACTED] okay? 20 And at that time, they were all in 21 the car, right? 22 A. Correct. 23 Q. And nobody was standing outside 24 the car, right? 25 A. No.</p>
<p style="text-align: right;">Page 167</p> <p>1 Thomas M. Moroughan 2 himself. 3 He did bash -- you know, he did bash 4 in the window, hitting me in the face, 5 breaking my nose. 6 The guy did tell me to get out the 7 car, and we struggled. He was trying to 8 pull me out. He never said he was a 9 police officer or that I was under arrest. 10 I didn't -- I wasn't sure if he was 11 a cop, because I had no clue as to if he 12 was or wasn't. To me, he was just some 13 crazy, drunk guy on the side of the road. 14 I mean, I didn't know the gun was a 15 revolver, and I never had trouble 16 shifting. I drove the car for a week. By 17 then, I was pretty much a pro by how the 18 car functioned. It's common sense. You 19 can drive one car, you can pretty much 20 drive them all. 21 I drove myself to the hospital. My 22 girlfriend called 911; that's true. 23 "I have read this three-page 24 statement, and I swear it is true." No, 25 not true. I didn't read it. They told me</p>	<p style="text-align: right;">Page 169</p> <p>1 Thomas M. Moroughan 2 Q. And they didn't try to stop your 3 vehicle, right? 4 A. No. 5 Q. You stopped next to them? 6 A. Yes. 7 Q. You stopped next to the Infiniti, 8 right? 9 A. Yes. 10 Q. And you rolled down your window, 11 right? 12 A. Yes. 13 Q. And you said something to the guy 14 in the Infiniti? 15 A. Yes. 16 Q. Now, did you have to pay 17 out-of-pocket for any of your medical 18 expenses? 19 A. No. I mean, I had co-payments for 20 prescriptions and stuff like that, so some 21 of it did come out of my pocket. 22 Q. Co-pay for what prescription? 23 A. I was on painkillers and 24 antibiotics. 25 Q. The Vicodin and the antibiotics</p>

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<p style="text-align: right;">Page 170</p> <p>1 Thomas M. Moroughan 2 you were talking about earlier, right? 3 A. Well, there were several times. I 4 mean, when I got shot, I was on Vicodin 5 and antibiotics. 6 Q. Well, you mean -- when you got 7 shot. 8 You mean in the hospital? 9 A. Yeah, in the hospital, and after 10 the hospital. 11 Q. Well -- 12 A. At the precinct, they were giving 13 me the -- my antibiotics and my 14 painkillers as well. 15 Q. Who gave you medication at the 16 precinct? 17 A. The police officers. 18 Q. Police officers gave you 19 medication? 20 A. Yes. 21 Q. So did they charge you for that 22 medication? 23 A. No. My girlfriend brought my 24 prescription. My girlfriend took the 25 prescription from the emergency room, that</p>	<p style="text-align: right;">Page 172</p> <p>1 Thomas M. Moroughan 2 grand jury? 3 A. No. 4 Q. Did that subject ever come up? 5 A. Yes. 6 Q. And in what way? 7 A. By my criminal defense attorney. 8 Q. And did the district attorney's 9 office say that they were going to present 10 the case to the grand jury? 11 A. No, not to me directly. I have no 12 idea what they said to my lawyer. 13 Q. You went to court on Monday; is 14 that correct? Court on Monday? 15 MR. GRANDINETTE: Monday -- 16 A. The arraignment. 17 MR. GRANDINETTE: The 28th, he's 18 referring to. 19 A. The 28th, yes. 20 Q. You went to court on Monday? 21 A. Yes. 22 Q. Where were you the night of -- 23 Sunday night? 24 A. The Second Precinct, in 25 Huntington.</p>
<p style="text-align: right;">Page 171</p> <p>1 Thomas M. Moroughan 2 they gave me at the emergency room -- 3 MR. GRANDINETTE: Mr. Ferguson 4 wants to know the following -- I know 5 you're trying to be helpful, but he's 6 asking you what, if any, out-of-pocket 7 expenses you incurred for medicine or 8 medical bills. 9 BY MR. FERGUSON: 10 Q. That wasn't covered by Medicaid or 11 United Health Care or any insurance. 12 MR. GRANDINETTE: If you know. 13 A. Just the co-pays for all the 14 different medications. 15 Q. So how much was that? 16 A. Maybe 15, 20 bucks. 17 Q. And the medication you're talking 18 about is the Vicodin and the antibiotics? 19 A. Yes. 20 Q. Did you ever testify in a grand 21 jury? 22 A. No. 23 Q. Was there ever anyone -- did 24 anyone from the district attorney's office 25 ever speak to you about testifying in a</p>	<p style="text-align: right;">Page 173</p> <p>1 Thomas M. Moroughan 2 Q. And then, from there, you were 3 taken to court? 4 A. Yes. 5 Q. And then, from court, where did 6 you go? 7 A. To Riverhead County Jail. 8 Q. You went to the county jail? 9 A. Yes. 10 Q. How long were you in the county 11 jail? 12 A. About two hours. 13 Q. And then you were released? 14 A. Yes. 15 Q. And that was the only time you 16 were in jail, right? 17 A. Correct. 18 Q. I mean for this incident? 19 A. Yes, correct. 20 Q. Have you had any X-rays done since 21 the time that you had the original X-rays 22 in the hospital where you walked to get 23 the X-rays taken? 24 A. Yes. 25 Q. When was that?</p>

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1 Thomas M. Moroughan
2 A. I had an X-ray done of my arm at
3 my surgeon's office prior to having
4 surgery to have the bullet removed.
5 Q. Is that the last time you had an
6 X-ray?
7 A. Yes.
8 Q. Do you have copies of the X-rays?
9 A. No. I might. I think I might,
10 yes.
11 Q. You might?
12 A. I might. I believe I have one at
13 home. It's more like a sonogram picture,
14 so it's very small.
15 MR. FERGUSON: I think that is all
16 the questions that I have.
17 Do you want to number these pages on
18 Exhibit 8 so that we can refer to
19 them, or do you just want to leave
20 them the way they are?
21 MR. GRANDINETTE: Sure. We can do
22 them A, B, C.
23 MR. FERGUSON: Do you want to do
24 it that way?
25 MR. GRANDINETTE: Sure.

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1 Thomas M. Moroughan
2 MR. FERGUSON: So why don't we do
3 that. Why don't we make this 8-A
4 and -- do you want that as 8-B -- you
5 want that 8-A and this 8-B and this
6 8-C?
7 MR. GRANDINETTE: Sure.
8 MR. FERGUSON: Is that right?
9 (Labels "A," "B," and "C" were added
10 to Respondent's Exhibit 8)
11 BY MR. FERGUSON:
12 Q. Since this incident of
13 February 27, 2011, have you done any work,
14 other than driving a cab?
15 A. No.
16 Q. And when was it that you drove a
17 cab for the first time after February 27,
18 2011?
19 A. I believe, when I started back at
20 Orange and White, it was June -- May or
21 June.
22 Q. I'm sorry.
23 What was your answer?
24 A. May-June, I believe, when I
25 started back at Orange and White. I went

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1 Thomas M. Moroughan
2 back to Dobro after the incident, but I
3 was working in their office. I was
4 dispatching.
5 Q. When was that?
6 A. In March.
7 Q. 2011?
8 A. Yes, throughout the month.
9 Q. And how long were you dispatching
10 at Dobro?
11 A. Like three weeks, a month.
12 Q. How many days were you working
13 then?
14 A. Five.
15 Q. And when was the most recent time
16 that you've driven a cab?
17 A. Saturday.
18 Q. This past Saturday?
19 A. Oh, no. Friday. Sorry. Friday
20 night, into Saturday. Saturday night, I
21 didn't go to work, because of the
22 hurricane.
23
24 (Continued on next page)
25

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1 Thomas M. Moroughan
2 MR. FERGUSON: Thank you. I have
3 no further questions.
4
5 (Time noted 4:01 p.m.)
6
7
8 THOMAS MOROUGHAN
9
10 Subscribed and sworn to before me
11 this ____ day of _____, 2011.
12
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<div style="text-align: center;">INDEX</div> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">RESPONDENT EXHIBITS</th> <th style="text-align: right;">PAGE</th> </tr> <tr> <td>1, notice of claim</td> <td style="text-align: right;">57</td> </tr> <tr> <td>2 through 7, photographs</td> <td style="text-align: right;">57</td> </tr> <tr> <td>8, notes</td> <td style="text-align: right;">86</td> </tr> <tr> <td>9, map</td> <td style="text-align: right;">119</td> </tr> <tr> <td>10-13, photographs</td> <td style="text-align: right;">135</td> </tr> <tr> <td>14 and 15, photographs</td> <td style="text-align: right;">139</td> </tr> <tr> <td>16, statement</td> <td style="text-align: right;">149</td> </tr> </table>	RESPONDENT EXHIBITS	PAGE	1, notice of claim	57	2 through 7, photographs	57	8, notes	86	9, map	119	10-13, photographs	135	14 and 15, photographs	139	16, statement	149	<div style="text-align: center;">ERRATA SHEET</div> <div style="text-align: center;">VERITEXT/NEW YORK REPORTING, LLC</div> <div style="text-align: center;">CASE NAME: Moroughan vs Nassau County</div> <div style="text-align: center;">DATE OF DEPOSITION: 8-29-11</div> <div style="text-align: center;">WITNESS NAME: Thomas Moroughan</div> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">PAGE/LINE(S)</th> <th style="text-align: left;">CHANGE</th> <th style="text-align: left;">REASON</th> </tr> </thead> <tbody> <tr><td>6</td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td></tr> </tbody> </table> <div style="text-align: center;">THOMAS MOROUGHAN</div> <div style="text-align: center;">SUBSCRIBED AND SWORN TO</div> <div style="text-align: center;">BEFORE ME THIS _____ DAY</div> <div style="text-align: center;">OF _____, 2011.</div> <div style="text-align: center;">NOTARY PUBLIC</div> <div style="text-align: center;">MY COMMISSION EXPIRES _____</div>	PAGE/LINE(S)	CHANGE	REASON	6			7			8			9			10			11			12			13			14			15			16			17		
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<div style="text-align: center;">CERTIFICATE</div> <div style="text-align: center;">STATE OF NEW YORK)</div> <div style="text-align: center;">: ss.</div> <div style="text-align: center;">COUNTY OF NASSAU)</div> <p>I, RENATE REID, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:</p> <p>That THOMAS MOROUGHAN, the witness whose 50-H Hearing is hereinbefore set forth, was duly sworn by me and that such 50-H Hearing is a true record of the testimony given by the witness.</p> <p>I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of September, 2011.</p> <div style="text-align: right;">RENATE REID</div>																																																								

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